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Chapter II—Federal Aviation Agency

[Amdt. 18]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TSO–C12a, Life Rafts (Twin Tube) and TSO–C13a, Life Preservers

Proposed amendments to §§ 514.22 and 514.23 establishing minimum performance standards for life rafts (twin tube) and life preservers which will be used on civil aircraft of the United States were published in 23 F.R. 10378 and 9144.

All interested persons have been afforded an opportunity to submit written views, data or argument. Comments received have been considered and do not necessitate any further revisions to the proposed standards.

Sections 514.22 and 514.23 of Subpart B of this part (21 F.R. 6508) are hereby amended to read as follows:

§ 514.22 Life rafts (twin tube)—TSO–C12a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for life rafts (twin tube) which specifically are required to be approved for use on civil aircraft of the United States. New models of life rafts manufactured on or after April 1, 1959, shall meet the standards set forth in the ATA Specification No. 800, "Airline Life Rafts," dated May 1, 1958.[1] Life raft models approved by the Administrator prior to April 1, 1959, may continue to be used under the provisions of their original approval until they are no longer seaworthy.

(b) *Marking.* In lieu of the marking requirements specified by § 514.3, the marking instructions contained in ATA Specification No. 800 shall be acceptable and, in addition, each life raft shall be permanently marked with the Technical Standard Order designation, FAA–TSO–C12a, to identify the life raft as meeting the requirements of this section.

(c) *Data requirements.* One copy each of the manufacturer's operation and inflation instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Aircraft Engineering Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

§ 514.23 Life preservers—TSO–C13a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for life preservers which specifically are required to be approved for use on civil aircraft of the United States. New models of life preservers manufactured on or after April 1, 1959, shall meet the standards set forth in ATA Specification No. 801, "Airline Life Jackets," dated July 1, 1958.[1] Life preservers approved by the Administrator prior to April 1, 1959, may continue to be manufactured under the provisions of their original approval.

(b) *Marking.* In lieu of the marking requirements specified by § 514.3, the marking instructions contained in ATA Specification No. 801 shall be acceptable and, in addition, each life preserver shall be permanently marked with the Technical Standard Order designation, FAA–TSO–C13a, to identify the life preserver as meeting the requirements of this section.

(c) *Data requirements.* One copy each of the manufacturer's operation and inflation instructions shall be furnished the Chief, Aircraft Engineering Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

The effective date for §§ 514.22 and 514.23 is April 1, 1959.

(Sec. 313(a) of the Federal Aviation Act of August 23, 1958, 72 Stat. 731 (Pub. Law 85–726). Interpret or apply sec. 601, 72 Stat. 775)

Issued in Washington, D.C., on March 12, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59–2326; Filed, Mar. 18, 1959; 8:45 a.m.]

[1] Copies may be obtained from the Air Transport Association, 1000 Connecticut Avenue NW., Washington 6, D.C.

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FEDERAL REGISTER

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A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

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[Amdt. 108]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The standard instrument approach procedures appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

NOTE: Where the general classification (L/MFR, ADF, VOR, TerVOR, VOR/DME, ILS, or RADAR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

Part 609 is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Hartford VOR	HFD-LFR	Direct	2000	T-dn	300-1	300-1	200-½
Farley Int#	HFD-LFR (final)	Direct	1000	C-dn	600-1	900-1	900-1½
				A-dn	800-2	1000-2	1000-2

#Farley Int: Int. R-015 HFD-VOR and SE crs HFD LFR.
Procedure turn E side SE crs, 143° Outbnd, 323° Inbnd, 2000′ within 10 mi.
Minimum altitude over facility on final approach crs, 1400′ (1000′ authorized from Farley Int.).
Crs and distance, facility to airport, 323—2.1.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 mi, turn right and climb to 2000′ on SE crs within 10 mi.
AIR CARRIER NOTE: No reduction in take-off minimums authorized.
MAJOR CHANGE: Deletes the transition from Marlboro FM.

City, Hartford; State, Conn.; Airport Name, Brainard Field; Elev., 18′; Fac. Class, SBMRAZ; Ident., HFD; Procedure No. 1, Amdt. 4; Eff. Date, 4 Apr. 59; Sup. Amdt. No. 3; Dated, 25 May 57

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AMA VOR	TDW RBN	Direct	5000	T-dn	300-1	300-1	200-½
AMA LFR	TDN RBN	Direct	5000	C-dn#	400-1	500-1	500-1½
Soncy Int	TDW RBN	Direct	5000	S-dn-3#	400-1	400-1	400-1
Bivins Int	TDW RBN	Direct	5300	A-dn	800-2	800-2	800-2
Panhandle Int	TDW RBN	Direct	5000				
Claude Int	TDW RBN	Direct	5000				
Palo Duro Int	TDW RBN	Direct	5000				
Tower Int	TDW RBN	Direct	5300				
Sam Int	TDW RBN	Direct	5300				
Westside Int	TDW RBN	Direct	5000				

#If Terminal Fix is not received, descent, below 4400 MSL N.A. and ceiling minimum is 800′. Aircraft not equipped with two functioning ADF Receivers are not authorized to descend below 4400′ MSL and ceiling minimum is 800′ for such flights.
Procedure turn S side of crs 214° Outbnd, 034° Inbnd. 5000′ within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach—Over TDW RBN 4500′; Over Terminal Fix* 4400′.
Course and distance, facility to airport—Over TDW RBN 034°—6.8 mi; Over Terminal Fix* 034°—2.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 mi after passing TDW RBN or 2.5 mi after passing Terminal Fix climb to 4900′ on Crs 034°, or, when directed by ATC, climb to 4700′ on E crs AMA LFR, both within 20 miles.
CAUTION: Towers 3994′ MSL 5 mi SW; 3886′ MSL 4 mi SW; 3855′ MSL 5 mi SSW of airport.
*Terminal Fix is the intersection bearing 034° from TDW RBN and bearing 352° to AMA LFR.

City, Amarillo; State, Tex.; Airport Name, Air Terminal; Elev., 3604′; Fac. Class, MHW; Ident., TDW; Procedure No. 1, Amdt. Original; Eff. Date, 4 Apr. 59

API VOR	LOM	Direct	2300	T-dn	300-1	300-1	200-½
Elgin Int	LOM	Direct	2500	C-d	*500-1	500-1	500-1½
Lake Shore Int	LOM	Direct	2500	C-n	*500-1½	500-1½	500-1½
MDW LFR	LOM	Direct	2300	S-dn-13 R and L*	500-1	500-1	500-1
CGT VOR	LOM	Direct	2300	A-dn	800-2	800-2	800-2
Surf Int	LOM	Direct	2500				
Gary Int	LOM	Direct	2300				
Big Run Int	LOM	Direct	2300				
Downers Grove Int	LOM	Direct	2300				
EDZ RBn	LOM	Direct	2300				
Hobart Int	EDZ RBn	Via R-108 API to Gary Int.	2000				

*400′ minimums authorized provided descent below 1100′ msl not made until past ADF bearing 020/200 MDW LFR.
Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound approach course at least 3.0 miles from MDW LOM. Information for radar terminal area transition altitudes on Midway Radar Procedure.
Procedure turn West side of crs, 312° Outbnd, 132° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 132°—5.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles of LOM, climb to 2000′ and proceed via SE crs MDW LFR to Lansing Int or, when directed by ATC, climb to 2100′ and proceed to Joliet LFR on crs. 235°.

City, Chicago; State, Ill.; Airport Name, Midway; Elev., 618′; Fac Class, LOM; Ident., MD; Procedure No. 1, Amdt. 16; Eff. Date, 4 Apr. 59; Sup. Amdt. No. 15; Dated, 21 Feb. 59

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FAR-VOR	LOM	Direct	2300	T-dn	300-1	300-1	200-½
FAR-LFR	LOM	Direct	2300	C-dn	500-1	500-1	500-1½
*Rice Int	LOM (Final)	Direct	1800	S-dn-35	500-1	500-1	500-1
Barnsville FM	LOM	Direct	2300	A-dn	800-2	800-2	800-2
Glyndon FM	LOM	Direct	2300				
FAR-VOR	Int VOR R-025 and CRS 351 to LOM	025—3.0	2300				
Int VOR R-025 and CRS 351	LOM (Final)	351—2.6	1800				

*Int FAR-VOR R-116 and BRg 351 to LOM.
Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2300' within 10 mi.
Minimum altitude over LOM on final approach crs, 1800'.
Crs and distance, facility to airport, 351°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 mi after passing LOM, climb on crs 351 from LOM to 2300' within 10 mi or when directed by ATC: 1. Make left climbing turn, climb to 2700' on W crs Fargo LFR within 20 mi. 2. Make left climbing turn to intercept FAR-VOR R-281, climb to 2300' on R-281 within 20 mi of FAR-VOR.
CAUTION: Unpainted smoke stack 1075' MSL 1.0 mi SSE of airport. 969' MSL stack 0.8 mi S of approach end of Runway 35.

City, Fargo; State, N. Dak.; Airport Name, Hector; Elev., 900'; Fac. Class, LOM; Ident., FA; Procedure No. 1, Amdt. 11; Eff. Date, 4 Apr. 59; Sup. Amdt. No. 10 (ADF Portion of Comb. ILS-ADF); Dated, 8 Mar. 58

MIA VORTAC	LOM	Direct	1300	T-dn	300-1	300-1	200-½
BSY VORTAC	LOM	Direct	1400	C-dn	400-1	500-1	500-1½
MIA RBn	LOM	Direct	1300	S-dn-9R and L	400-1	400-1	400-1
Radar Terminal Area Transition Altitude	Radar Site	Within 25 miles	*1500	A-dn	800-2	800-2	800-2

*Radar terminal area transition altitude 1500' within 25 miles except 2000' required when within 3.0 miles of TV towers 999' and 997' 10.7 miles and 12.2 miles NNE of airport.
Procedure turn N side W crs, 266° Outbnd, 086° Inbnd, 1100' within 10 mi.
Minimum altitude over LOM on final approach crs, 600'.
Crs and distance, facility to airport, *Rwy 9R*—086°—3.8 mi; Rwy 9L—073°—4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 mi after passing LOM, climb to 1400' on crs of 086° within 20 mi or, when directed by ATC, turn right to 195°, climb to 1400' and proceed to Perrine LFR via a course of 250°.

City, Miami; State, Fla.; Airport Name, International; Elev., 9'; Fac. Class, LOM; Ident., MI; Procedure No. 1, Amdt. 8; Eff. Date, 4 Apr. 59; Sup. Amdt. No. 7; Dated, 3 Jan. 59

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AMA LFR	AMA VOR	Direct	5000	T-dn	300-1	300-1	200-½
TDW RBN	AMA VOR	Direct	5000	C-dn	400-1	500-1	500-1½
AMA LFR	Potter Int.*	Direct	5000	S-dn-3	400-1	400-1	400-1
TDW RBN	Potter Int.*	037—4.4	4500	A-dn	800-2	800-2	800-2

*Potter Intersection is the Intersection of AMA VOR Radial 209 and Bearing 344M from AMA LFR.
Procedure turn S side of crs, 209° Outbnd, 029° Inbnd. 5000' within 10 mi. Beyond 10 mi NA.
Minimum altitude over facility on final approach course, 4500' over Potter Int.*
Course and distance, facility to airport—029°—2.4
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 mi. after passing Potter Int. climb to Straight Ahead to 4900' on radial 209 to the VOR thence radial 029 within 20 mi. of AMA VOR, or, when directed by ATC, climb to 4700' on AMA VOR Radial 075 within 20 mi. of VOR.
NOTE: This procedure is authorized only for aircraft equipped with VOR and ADF receivers.
CAUTION: Towers 3994' MSL 5 mi. SW; 3886' MSL 4 mi. SW; 3855' MSL 5 mi. SSW.

City, Amarillo; State, Tex.; Airport Name, Air Terminal; Elev., 3604'; Fac. Class, BVOR; Ident., AMA; Procedure No. 2, Amdt. Original; Eff. Date, 4 Apr. 59

PROCEDURE CANCELED, EFFECTIVE FEBRUARY 12, 1959, VOR RELOCATED:

City, Charleston; State, W. Va.; Airport Name, Kanawha County; Elev., 981'; Fac. Class, BVOR; Ident., CHW; Procedure No. 1, Amdt. 2; Eff. Date, 2 Nov. 57; Sup. Amdt. No. 1; Dated, 5 May 54

Miami RBn	Miami VOR	Direct	1100	T-dn	300-1	300-1	200-½
Radar Terminal Area Transition Altitude	Radar Site	Within 25 miles	#1500	C-d	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				A-dn	1000-2	1000-2	1000-2

#Radar terminal area transition altitude 1500' within 25 miles except 2000' required when within 3.0 miles of TV towers 999' and 997' 10.7 miles and 12.2 miles NNE of airport.
Procedure turn E* side crs, 343° Outbnd, 163° Inbnd, 1100' within 10 mi.
*Nonstandard to provide separation with northbound traffic.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 137—13.4.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles, climb to 1400' on R-137 within 20 miles or, when directed by ATC, turn left on the E crs of the MIA ILS localizer (086°), climb to 1400' within 20 mi.

City, Miami; State, Fla.; Airport Name, International; Elev., 9'; Fac. Class, VORTAC; Ident., MIA; Procedure No. 1, Amdt. 10; Eff. Date, 4 Apr. 59; Sup. Amdt. No. 9; Dated, 7 Feb. 59

4. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Peconic LFR	OM (Final)	Direct	1500	T-dn	300–1	300–1	200–½
Riverhead VOR	OM	Direct	1500	C-dn	400–1	500–1	500–1½
				S-dn-5	#300–¾	#300–¾	#300–¾
				A-dn	600–2	600–2	600–2

#400–¾ required with Glide Slope inoperative.
Procedure turn S side of crs, 228° Outbnd, 048° Inbnd, 1500′ within 10 miles of PIC–LFR.
Minimum altitude at glide slope int inbnd 1500′.
Altitude of glide slope and distance to approach end of runway at OM, 1490′, 5.0 mi; MM 285′, 0.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1000′ on the ILS NE course within 10 miles, then make a left climbing turn to 1500′. Proceed to the OM. Hold on SW course of ILS, one minute, right turns.

City, Calverton; State, N.Y.; Airport Name, Peconic River; Elev., 75′; Fac. Class, ILS; Ident., PIC; Procedure No. ILS–5, Amdt. Orig.; Eff. Date, 4 Apr. 59

API VOR	NW crs ILS	Via R–050	2300	T-dn	300–1	300–1	200–½
API VOR	LOM	Direct	2300	C-d	*500–1	500–1	500–1½
Elgin Int	LOM	Direct	2500	C-n	*500–1½	500–1½	500–1½
Lake Shore Int	LOM	Direct	2500	S-dn-13R*	300–¾	300–¾	300–¾
MDW LFR	LOM	Direct	2300	A-dn	600–2	600–2	600–2
CGT VOR	LOM	Direct	2300				
Surf Int	LOM	Direct	2500				
Gary Int	LOM	Direct	2300				
Hobart Int	EDZ RBn	Via R–108 API to Gary Int.	2000				
Big Run Int	LOM	Direct	2300				
Downers Grove Int	LOM	Direct	2300				
EDZ RBn	LOM	Direct	2300				

*500–1 required with glide slope inoperative, 400–1 minimums authorized provided descent below 1100′ MSL not made until past ADF bearing 020/200 of MDW LFR.
Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound approach course at least 3.0 miles from MDW LOM. Information for radar terminal area transition altitudes on Midway Radar Procedure.
Procedure turn West side of crs, 312° Outbnd, 132° Inbnd, 2500′ within 10 miles.
Minimum Altitude to G.S. int inbnd, 2500′.
Altitude of G.S. and distance to approach end of Rny at LOM, 2255′—5.1 mi; at LMM, 868′—0.7 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right turn, climb to 2300′ and proceed to EON VOR via R–001 or, when directed by ATC, climb to 2000′ and proceed via SE crs MDW LFR to Lansing Int.

City, Chicago; State, Ill.; Airport Name, Midway; Elev., 618′; Fac. Class, ILS; Ident., I–MDW; Procedure No. ILS–13R, Amdt. 16; Eff. Date, 4 Apr. 59; Sup. Amdt. No. 15; Dated, 21 Feb. 59

Fargo VOR	LOM	Direct	2300	T-dn	300–1	300–1	200–½
Fargo LFR	LOM	Direct	2300	C-dn	500–1	500–1	500–1½
Rice Int.**	LOM (Final)	Direct	2100	S-dn-35* ILS	200–½	200–½	200–½
Barnesville FM	LOM	Direct	2300	A-dn	600–2	600–2	600–2
Glyndon FM	LOM	Direct	2300				
FAR-VOR	Int VOR R–025 and IFAR Localizer	025—3.0	2300				
Int VOR R–025 and IFAR Localizer	LOM (Final)	351—2.6	2100				

NOTE: *400–¾ required when glide slope inoperative; 400–1 when only localizer and OM or compass locator can be received.
NOTE: **Int FAR–VOR R–116 and IFAR ILS.
Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2300′ within 10 miles.
Minimum altitude at G.S. int inbnd, 2100′.
Altitude of G.S. and distance to approach end of rny at OM 2092—4.1, at MM 1105—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb on N crs Fargo ILS to 2300′ within 10 mi or when directed by ATC: 1. Make left climbing turn, climb to 2700′ on W crs Fargo LFR within 20 miles. 2. Make left climbing turn to intercept FAR–VOR R–281, climb to 2800′ within 20 mi. of FAR–VOR.
CAUTION: Unpainted smoke stack 1075′ MSL 1.0 mi. SSE of airport. 969′ MSL stack 0.2 mi. S of MM.
MAJOR CHANGE: Deletes West Fargo FM transition. ADF Procedure Removed.

City, Fargo; State, N. Dak.; Airport Name, Hector; Elev., 900′; Fac. Class, ILS–FAR; Ident., LOM–FA; Procedure No. ILS–35, Amdt. 11; Eff. Date, 4 Apr. 59; Sup. Amdt. No. 10; Dated, 8 Mar. 58

Miami VORTAC	LOM	Direct	1300	T-dn	300–1	300–1	200–½
BSY VORTAC	LOM	Direct	1400	C-dn	400–1	500–1	500–1½
Miami RBn	LOM	Direct	1300	S-dn-9R	200–½	200–½	200–½
Radar Terminal Area Transition Altitude	Radar Site	Within 25 miles	#1500	S-dn-9L*	400–1	400–1	400–1
				A-dn	600–2	600–2	600–2

*Crs and distance, LOM to Rwy 9L, 073°—4.1 mi.
#Radar terminal area transition altitude 1500′ within 25 miles except 2000′ required when within 3.0 miles of TV towers 999′ and 997′ 10.7 miles and 12.2 miles NNE of airport.
Procedure turn N side W crs, 266° Outbnd, 086° Inbnd, 1100′ within 10 mi (nonstandard due to traffic).
Minimum altitude at G.S. int inbnd, 1100′.
Altitude of glide slope and distance to approach end of runway at OM—1070′—3.9; at MM—205—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1400′ on E crs ILS or, when directed by ATC, turn left, climb to 2000′, proceed to Dania Int via V–3, thence to the MIA VOR via R–088.

City, Miami; State, Fla.; Airport Name, International; Elev., 9′; Fac. Class, ILS; Ident., I–MIA; Procedure No. ILS–9, Amdt. 8; Eff. Date, 4 Apr. 59; Sup. Amdt. No. 7; Dated, 3 Jan. 59

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bayshore Int	Flagler Int#	Direct	1400	T-dn	300-1	300-1	200-½
Biscayne VOR	Flagler Int#	Direct	1400	C-dn	400-1	500-1	500-1½
Radar Terminal Area Transition Altitude	Radar Site	Within 25 miles	**1500	S-dn-27 L and R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

#Flagler Int: Int E crs ILS and R-345 BSY VOR.
**Radar terminal area transition altitude 1500' within 25 miles except 2000' required when within 3.0 miles of TV towers 999' and 997' 10.7 miles and 12.2 miles NNE of airport.
Procedure turn *S side E crs, 086° Outbnd, 266° Inbnd, 1400' within 10 mi East of Bayshore Int. Beyond 10 mi. NA.
*Nonstandard due to ATC.
No glide slope.
Minimum altitude over Flagler Int, 1400'.
Crs and distance, Flagler Int to airport, 266°—3.5 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 mi, climb to 1100' on W crs ILS within 20 mi. or, when directed by ATC, turn right, climb to 1300' and proceed to the MIA VOR via R-137.
NOTE: Procedure authorized only when directed by ATC.

City, Miami; State, Fla.; Airport Name, International; Elev., 9'; Fac. Class, ILS; Ident., I-MIA; Procedure No. ILS-27, Amdt. 2; Eff. Date, 4 Apr. 59; Sup. Amdt. No. 1; Dated, 3 Jan. 59

Salt Lake City LFR	LOM	Direct	6100	T-dn#	300-1	300-1	200-½
Salt Lake City VOR	LOM	Direct	6100	C-dn	500-1	600-1	600-1½
Utah Lake VOR	LOM	Direct	*10,000	S-dn-34L	200-½	200-½	200-½
Riverton FM (Final)	LOM	Direct	6100	S-dn-%34R	400-1	400-1	400-1
				A-dn	600-2	600-2	600-2

*Start descent at glide slope int., glide slope must be operative for this transition.
#500-2 required for take-off Runway 7.
Radar transitions and vectoring utilizing Salt Lake City radar are authorized in accordance with approved radar patterns.
Procedure turn E or W side of S crs, 158° Outbnd, 338° Inbnd, 6100' within 5 mi of LOM. Beyond 5 mi NA. 80 reversal recommended for procedure turn.
Minimum altitude at glide slope int inbnd, 6100'.
Altitude of glide slope and distance to approach end of runway at Riverton FM, 9340'—14.9; at LOM, 6928'—5.5; at LMM, 4457'—0.6.
%Crs and distance OM to Rwy 34R, 343°—5.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles of LOM, make a left climbing turn, climb westbound on R-248 SLC or West crs SLC LFR, to 9000' within 20 mi. or, when directed by ATC, climb to 10,000' in a right hand one-minute pattern on R-329 or N crs LFR within 12 miles.
NOTE: Aircraft executing missed approach shall not climb above 6500' until past SLC VOR or LFR.
CAUTION: Terrain 11,253' m.s.l. approximately 8 mi E of localizer crs at Riverton FM.

City, Salt Lake City; State, Utah; Airport Name, Salt Lake City No. 1; Elev., 4222'; Fac. Class, ILS; Ident., ISLC; Procedure No. ILS-34L, Amdt. 15; Eff. Date, 4 Apr. 59 Sup. Amdt. No. 14; Dated, 1 Nov. 58

5. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes												Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine more then 65 knots
													65 knots or less	More than 65 knots	
All bearings are from the radar sector azimuths progressing clockwise.												Surveillance Approach			
0	360	5	2500									T-dn*	300-1	300-1	200-½
091	179			10	4000							C-d#	500-1	500-1	500-1½
180	090			10	2500							C-n#	500-1½	500-1½	500-1½
158	205					17	5000					A-dn#	800-2	800-2	800-2
355	070					17	3000			25	3100				
205	270							24	2500						

*All runways.
#Runways 18, 4L, 22R.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished for runways 18 and 22R proceed to LOM climbing to 2300'. For runway 4L proceed to LFR or VOR climbing to 3000' or when directed by ATC climb to 4000' on NE (063) crs LFR or VOR R-347 within 20 miles.
CAUTION: Prohibited area NW and high terrain SE.

City, Knoxville; State, Tenn.; Airport Name, McGhee-Tyson; Elev., 989'; Fac. Class, Knoxville; Ident., Radar; Procedure No. 1, Amdt. 2; Eff. Date, 4 Apr. 59; Sup. Amdt. No. 1; Dated, 21 Feb. 59

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Radar terminal area maneuvering sectors and altitudes				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Minimum altitude 5500' within 30 miles or minimum en route altitude for approach routes to San Jose area. After identification, aircraft may be vectored and descended in accordance with radar approach patterns.				T-dn* C-dn S-dn-12 A-dn	300-1 600-1 600-1 800-2	300-1 600-1 600-1 800-2	300-1 600-1½ 600-1 800-2

*500-1 required when taking off on runway 12.
Missed Approach Procedure: Climb to 2500' in a one minute left turn holding pattern SE of San Jose TVOR on R-131.**
Alternate Missed Approach for aircraft L/F equipped only: Turn right home on Moffett L/F range, climbing to 1500'.
Hold on SE crs Moffett L/F range at 1500' in a one minute right turn holding pattern.
**CAUTION: 3000' terrain 12 miles south of San Jose TVOR (one mile south of missed approach holding pattern area).

City, San Jose; State, Calif.; Airport Name, San Jose Municipal; Elev., 62'; Fac. Class, San Jose/Moffett; Ident., Radar; Procedure No. 1, Amdt. Original; Eff. Date, 4 Apr. 59

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 313(a) of the Federal Aviation Act of 1958, Act of August 23, 1958, 72 Stat. 752 (Pub. Law 85-726). Interpret or apply sec. 307; 72 Stat. 749-750)

E. R. QUESADA,
Administrator.

MARCH 12, 1959.

[F.R. Doc. 59-2354; Filed, Mar. 18, 1959; 8:50 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1958 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended, the following counties have been designated for wheat crop insurance for the 1960 crop year.

California:
Kern.
Los Angeles.
Monterey.
San Luis Obispo.
Tulare.
Colorado:
Adams.
Arapahoe.
Cheyenne.
Elbert.
Kit Carson.
Larimer.
Lincoln.
Logan.
Morgan.
Phillips.
Sedgwick.
Washington.
Weld.
Yuma.
Idaho:
Benewah.
Bonneville.
Camas.
Cassia.
Idaho.
Kootenai.
Latah.
Lewis.
Nez Perce.
Oneida.
Power.
Teton.
Illinois:
Adams.
Bond.
Cass.
Christian.
Clinton.
Effingham.
Fayette.
Fulton.
Greene.
Jasper.
Jersey.
McDonough.
McLean.
Macoupin.
Madison.
Marion.
Mason.
Menard.
Monroe.
Montgomery.
Morgan.
Pike.
St. Clair.
Sangamon.
Schuyler.
Scott.
Shelby.
Tazewell.
Vermilion.
Washington.
Indiana:
Allen.
Blackford.
Boone.
Carroll.
Clay.
Clinton.
Decatur.
DeKalb.
Delaware.
Howard.
Huntington.
Jackson.
Johnson.
Kosciusko.
Madison.
Marshall.
Miami.
Montgomery.
Noble.
Pulaski.
Randolph.
Ripley.
Rush.
Shelby.
Sullivan.
Vigo.
Wayne.
Wells.
Whitley.
Kansas:
Atchison.
Barber.
Barton.
Bourbon.
Brown.
Butler.
Cheyenne.
Cherokee.
Clark.
Clay.
Cloud.
Cowley.
Decatur.
Dickinson.
Edwards.
Ellis.
Ellsworth.
Finney.
Franklin.
Ford.
Gove.
Graham.
Grant.
Gray.
Greeley.
Hamilton.
Harper.
Harvey.
Haskell.
Hodgeman.
Jackson.
Kearny.
Kingman.
Kiowa.
Lane.
Lincoln.
Linn.
Logan.
McPherson.
Marion.
Marshall.
Meade.
Mitchell.
Montgomery.
Morris.
Nemaha.
Ness.
Norton.
Osborne.
Ottawa.
Pawnee.
Phillips.
Pratt.
Rawlins.
Reno.
Republic.
Rice.
Rooks.
Rush.
Russell.
Saline.
Sedgwick.
Seward.
Sheridan.
Sherman.
Smith.
Stafford.
Stanton.
Stevens.
Sumner.
Thomas.
Trego.
Wallace.
Washington.
Wichita.
Maryland:
Kent.
Michigan:
Bay.
Branch.
Calhoun.
Clinton.
Eaton.
Gratiot.
Hillsdale.
Huron.
Ingham.
Ionia.
Jackson.
Kalamazoo.
Lenawee.
Monroe.
Saginaw.
St. Clair.
St. Joseph.
Sanilac.
Shiawassee.
Minnesota:
Becker.
Big Stone.
Clay.
Grant.
Kittson.
Mahnomen.
Marshall.
Norman.
Otter Tail, West.
Polk, East.
Polk, West.
Traverse.
Wilkin.
Missouri:
Audrain.
Bates.
Buchanan.
Callaway.
Carroll.
Cass.
Chariton.
Cooper.
Franklin.
Gentry.
Henry.
Holt.
Howard.
Jasper.
Johnson.
Lafayette.
Lawrence.
Macon.
Marion.
Nodaway.
Pettis.
Pike.
Ralls.
St. Charles.
Saline.
Shelby.
Vernon.
Montana:
Blaine.
Cascade.
Chouteau.
Daniels.
Dawson.
Fergus.
Hill.
Judith Basin.
Liberty.
McCone.
Petroleum.
Phillips.
Pondera.
Richland.
Roosevelt.
Sheridan.
Teton.
Valley.
Yellowstone.
Nebraska:
Banner.
Box Butte.
Butler.
Chase.
Cheyenne.
Dawes.
Deuel.
Frontier.
Furnas.
Gage.
Garden.
Gosper.
Hamilton.
Harlan.
Hayes.
Hitchcock.
Jefferson.
Keith.
Kimball.
Lancaster.
Morrill.
Pawnee.
Perkins.
Phelps.
Red Willow.
Richardson.
Saline.
Saunders.
Seward.
Thayer.
Washington.
York.
North Carolina:
Cleveland.
Iredell.
Lincoln.
Mecklenburg.
Rutherford.
North Dakota:
Adams.
Barnes.
Benson.
Bottineau.
Bowman.
Burke.
Burleigh.
Cass.
Cavalier.
Dickey.
Divide.
Dunn.
Eddy.
Emmons.
Foster.
Golden Valley.
Grand Forks.
Grant.
Griggs.
Hettinger.
Kidder.
La Moure.
Logan.
McHenry.
McIntosh.
McKenzie.
McLean.
Mercer.
Morton.
Mountrail.

North Dakota—Con.
Nelson.
Oliver.
Pembina.
Pierce.
Ramsey.
Ransom.
Renville.
Richland.
Rolette.
Sargent.
Sheridan.
Sioux.
Slope.
Stark.
Steele.
Stutsman.
Towner.
Traill.
Walsh.
Ward.
Wells.
Williams.
Ohio:
Allen.
Ashland.
Auglaize.
Clinton.
Delaware.
Erie.
Fayette.
Greene.
Hancock.
Hardin.
Henry.
Highland.
Huron.
Knox.
Marion.
Medina.
Mercer.
Montgomery.
Morrow.
Paulding.
Pickaway.
Preble.
Putnam.
Sandusky.
Seneca.
Stark.
Tuscarawas.
Union.
Van Wert.
Wayne.
Williams.
Oklahoma:
Alfalfa.
Beckham.
Blaine.
Caddo.
Canadian.
Comanche.
Cotton.
Custer.
Dewey.
Ellis.
Garfield.
Grant.
Greer.
Harmon.
Harper.
Jackson.
Kay.
Kingfisher.
Kiowa.
Logan.
Major.
Noble.
Texas.
Tillman.
Washita.
Woods.
Oregon:
Baker.
Gilliam.
Jefferson.
Linn.
Morrow.
Malheur.
Sherman.
Umatilla.
Union.
Wallowa.
Wasco.
Pennsylvania:
Chester.
Lancaster.
Lebanon.
South Dakota:
Beadle.
Bennett.
Brown.
Campbell.
Clark.
Codington.
Corson.
Day.
Dewey.
Edmunds.
Faulk.
Grant.
Hamlin.
Hand.
Jones.
Kingsbury.
Lyman.
McPherson.
Marshall.
Mellette.
Perkins.
Potter.
Roberts.
Spink.
Sully.
Tripp.
Walworth.
Tennessee:
Obion.
Texas:
Baylor.
Castro.
Collin.
Cooke.
Denton.
Floyd.
Foard.
Gray.
Grayson.
Hale.
Jones.
Lipscomb.
Potter.
Wilbarger.
Utah:
Box Elder.
Cache.
Washington:
Adams.
Asotin.
Benton.
Columbia.
Douglas.
Franklin.
Garfield.
Grant.
Klickitat.
Lincoln.
Spokane.
Walla Walla.
Whitman.
Wyoming:
Goshen.
Laramie.
Platte.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 59-2362; Filed, Mar. 18, 1959; 8:51 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1958 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

Pursuant to authority contained in paragraph (a) of § 401.1 of the above-identified regulations, as amended, the following counties have been designated for barley crop insurance for the 1960 crop year.

California:
Kern.
Los Angeles.
Monterey.
San Luis Obispo.
Tulare.
Colorado:
Morgan.
Phillips.
Sedgwick.
Weld.
Idaho:
Idaho.
Latah.
Lewis.
Nez Perce.
Maryland:
Kent.
Minnesota:
Clay.
Grant.
Kittson.
Marshall.
Norman.
Pope.
Stearns.
Stevens.
Traverse.
West Polk.
Wilkin.
Montana:
Cascade.
Chouteau.
Fergus.
Judith Basin.
Pondera.
Teton.
North Dakota:
Barnes.
Benson.
Cass.
Cavalier.
Dickey.
Eddy.
Foster.
Grand Forks.
Griggs.
La Moure.
Nelson.
Pembina.
North Dakota—Con.
Ramsey.
Ransom.
Richland.
Sargent.
Steele.
Towner.
Traill.
Walsh.
Williams.
Oregon:
Gilliam.
Jefferson.
Linn.
Malheur.
Morrow.
Sherman.
Umatilla.
Union.
Wallowa.
Wasco.
Pennsylvania:
Chester.
Lancaster.
Lebanon.
South Dakota:
Clark.
Codington.
Day.
Grant.
Hamlin.
Kingsbury.
Marshall.
Roberts.
Washington:
Adams.
Asotin.
Benton.
Columbia.
Douglas.
Franklin.
Grant.
Garfield.
Klickitat.
Lincoln.
Spokane.
Walla Walla.
Whitman.
Wisconsin:
Fond du Lac.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] F. N. McCARTNEY,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 59-2360; Filed, Mar. 18, 1959; 8:51 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 783]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.890 Lemon Regulation 783.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the past week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., March 21, 1959, and ending at 12:01 a.m., P.s.t., November 1, 1959, no handler shall handle any lemons, grown in District 1 or District 2, which are of a size smaller than 1.80 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the lemons in any type of container may measure smaller than 1.80 inches in diameter.

(2) As used in this section, "handle," "handler," "District 1," and "District 2" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c)

Dated: March 16, 1959.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-2357; Filed, Mar. 18, 1959; 8:50 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

[1958 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 8, Wheat]

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1958-Crop Wheat Loan and Purchase Agreement Program

COUNTIES AND RATES OF PAYMENTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 23 F.R. 3485, 5317, 5764, 6551, 7876, 8853, and 9503, containing specific requirements for the 1958-crop wheat price support program are hereby amended as follows:

1. Section 421.3046(h) is amended by adding the following counties and rates of payments per bushel:

ARIZONA

County	Amount per bushel (cents)[1]	County	Amount per bushel (cents)[1]
Apache	$0.18	Navajo	$0.18
Chochise	.04	Pima	.02
Coconino	.21	Pinal	.03
Gila	.07	Santa Cruz	.07
Graham	.08	Yavapai	.04
Maricopa	.03	Yuma	.01
Mohave	.28		

CALIFORNIA

Siskiyou	$0.12

IDAHO

Boundary	$0.01

NEVADA

County	Amount per bushel (cents)[1]	County	Amount per bushel (cents)[1]
Douglas	$0.03	Nye	$0.01
Esmeralda	.04	Ormsby	.03
Humboldt	.02	Pershing	.04
Lyon	.03	Storey	.03
Mineral	.03	Washoe	.03

NORTH DAKOTA

Grand Forks	$0.01
Mercer	.01

OREGON

Multnomah	$0.01
Klamath	.17

UTAH

Millard	$0.12

[1] No payment will be made where purchases of wheat under loan have been made by producers with Soil Bank Certificates.

2. Section 421.3046(h) is amended by increasing the rates of payments for the following counties:

CALIFORNIA

County	Amount per bushel (cents) From—	To—
Modoc	$0.02	$0.12

UTAH

Beaver	$0.05	$0.11
Iron	.02	.11

WASHINGTON

Columbia	$0.04	$0.05
Klickitat	.03	.04

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c; 7 U.S.C. 1441, 1421)

Issued this 13th day of March 1959.

[SEAL] CLARENCE D. PALMBY,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 59-2358; Filed, Mar. 18, 1959; 8:50 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Miscellaneous Amendments

1. In Part 21, delete the headnote "Subpart A—Servicemen's Readjustment Act of 1944 and the Vocational Rehabilitation Acts (Public Laws 16, 78th Congress, as amended, and 894, 81st Congress, as amended) and add the headnote "Subpart A—Education and Training of World War II Veterans and Vocational Rehabilitation under 38 U.S.C. Ch. 31".

2. Immediately following § 21.191, delete the centerhead "Vocational Rehabilitation Training under Part VII, Veterans Regulation 1(A), as amended (38 U.S.C. Ch. 12A)" and the note "NOTE: Veterans' Administration Regulations on vocational rehabilitation training under Part VII, Veterans Regulation 1(a), as amended, are for application in the case of veterans training under both Public Law 16, 78th Congress, as amended, and Public Law 894, 81st Congress, as amended, except where the regulation itself specifies application to only one of the mentioned laws" and add the centerhead "Vocational Rehabilitation Training under Chapter 31, Title 38, United States Code".

3. In Subpart A, delete §§ 21.199 through 21.314 and add §§ 21.200 through 21.297 to read as follows:

§ 21.200 Definition.

(a) A course of vocational rehabilitation is one designed to make a veteran satisfactorily employable in his selected occupation. It may consist entirely of vocational training. It may include education needed to undertake or to supplement the vocational course. It may include or, in some instances, consist of training to correct or remove the handicap of the disability, as for example: training for the correction of speech defects, lip reading for the deafened veteran, et cetera.

(b) Chapter 31 references embrace benefits under Part VII, as amended and extended-Public Laws 16, 78th Congress and 894, 81st Congress. Chapter 33 references embrace benefits under Public Law 550, 82d Congress.

§ 21.201 Types of courses.

In prescribing the course for a particular veteran, that type or combination of types will be selected which will make the veteran most satisfactorily employable in his selected occupation. The types of courses of vocational rehabilitation are:

(a) *School course.* A course pursued at an institution or a part thereof devoted exclusively to educational or training purposes. This includes courses offered by a part of a business or industrial establishment devoted exclusively to educational or training purposes as distinguished from the regular production activities. Also included are medical or osteopathic internship courses when accredited and approved by the Council on Medical Education and Hospitals of the American Medical Association, or by the American Osteopathic Association.

(b) *Training-on-the-job course.* A course which is pursued at an establishment devoted primarily to producing goods or services rather than to giving courses of instruction. The training is pursued toward a specified occupational objective. The learning method is primarily by being told and shown and by observing and assisting. There is a gradual increase in productive work with increasing independence of instruction as the course progresses.

(c) *Combination course.* A course which is a combination of training on the job and training in school. This may be a course that is pursued concurrently in school and on the job; it may be pursued primarily on the job with some related instruction in school; it may be pursued in school as a preparatory course to entering on-the-job training; or it may be pursued first on the job and finally in school. One type of combination course is a cooperative course which is pursued primarily at school. The objective commonly is attainable through school instruction alone, and the training-on-job portion is supplemental to the school course. Characteristic cooperative courses are usually on the college and junior college level and in some technical schools. Commonly the student devotes at least one-half of the total time to the school portion, and the periods in school and training on the job are relatively long, such as a full term in school and an alternate term on the job. Some combination courses not considered cooperative courses for purpose of vocational rehabilitation are arrangements

where part of each day is spent in school and part on the job, or a full day is spent on the job and part time is spent in school one or more times a week.

(d) *Specialized restorative training course.* A course which is designed to overcome or minimize the handicap of a disability which interferes with a veteran's ability to undertake vocational training or employment. Representative of specialized restorative training courses are courses in language training, speech and voice correction, speech retention or voice retention, speech (lip) reading, auditory training, braille reading and writing, training in ambulation, one-hand typewriting, nondominant-hand writing, work adjustment training and personal adjustment training. Specialized restorative training may be provided under Chapter 31 when it is determined that such services are not readily available through the Medical Division.

(1) Specialized restorative training ordinarily will be prescribed as a part of the course of vocational rehabilitation and pursued concurrently with the vocational training.

(2) Specialized restorative training may be furnished as a preliminary part of a course of vocational rehabilitation when needed to assist the veteran in selecting a suitable employment objective or undertaking a course of vocational training.

(3) Specialized restorative training may be furnished as the total course of vocational rehabilitation when there is good promise that its successful completion will restore employability.

(4) Specialized restorative training may be furnished on a part-time basis to a veteran who is employed when:

(i) He is in a suitable occupation but has a handicap from a compensable disability which it is believed will result in unemployability unless he has restorative training, or

(ii) He is not in a suitable occupation because the handicap resulting from his compensable disability is such that it is believed he will become unemployable and specialized restorative training will result in employability in a suitable occupation.

(5) Specialized restorative training pursued preliminary to or as the total course of vocational rehabilitation will be limited to the minimum period necessary but will not exceed 9 months or 2 semesters in length. Such training may be pursued in a sheltered workshop but must not be confused with a sheltered workshop course.

(e) *Sheltered workshop course.* A course of training on the job or combination of training on the job and supplemental related instruction. The disabled veteran is provided vocational training in a specific employment objective in a place where he is relatively sheltered from competition with the able-bodied. He is not required to meet production standards which in ordinary on-the-job training situations would interfere with the restoration of employability. The course is provided through a charitable, religious, educational, governmental, or philanthropic organization which is not operated for profit but primarily to provide vocational training, rehabilitation, and employment to the physically and mentally handicapped. A sheltered workshop course is a vocational course of training. It will be strictly differentiated from a course of specialized restorative training offered in a workshop for the purpose of work adjustment or personal adjustment. A sheltered workshop course will be prescribed only in those cases in which the veteran's employability cannot be restored through pursuit of the usual course of vocational training in a school or in a training on-the-job establishment. Training under sheltered workshop conditions should give good promise of needed results not otherwise obtainable in the particular case.

(f) *Correspondence course.* A course conducted by mail, consisting of a series of written lesson assignments furnished by a school to the student for study and preparation of written answers, solution to problems, and work projects which are corrected and graded by the school and returned to the trainee.

(1) A correspondence course may be prescribed as part of the course of vocational rehabilitation when it supplements the major part of the course to provide the veteran with theory or technical information directly related to and functional in the practice of the occupation for which he is being trained.

(2) A correspondence course alone will not be used as a total course of vocational rehabilitation.

(g) *Training in the home.* A course which a veteran pursues in his home with an individual instructor or instructors when:

(1) The limitations imposed by his disability prevent regular travel to and from a suitable training facility;

(2) Based on proper medical opinion, it is determined that the veteran is physically capable of successfully pursuing the proposed course of training in the home;

(3) The veteran's home provides a favorable educational environment with adequate work and study space;

(4) It is proper to furnish necessary special equipment; and

(5) There is evidence that upon completion of the training program the veteran will be suitably employable in his home or other place with reasonable assurance of continuing employment.

(h) *Independent instructor course.* A course which is pursued with an individual instructor, who independently of a training institution or a training on-the-job establishment, furnishes and conducts the course at a suitable place of training.

(1) An independent instructor course will be prescribed only when the course of vocational rehabilitation is not available through an established school, training on-the-job establishment, or sheltered workshop within a reasonable commuting distance from the veteran's home, and the handicap caused by the veteran's disability precludes requiring his going elsewhere for training.

(2) The individual training program for a veteran for whom an independent instructor course is prescribed will be planned carefully by the Veterans Administration in collaboration with the instructor and will include a time schedule showing the daily hours of instruction and work assignments.

(3) Since the customary channels opening into employment may not be readily available to a veteran pursuing an independent instructor course, arrangements for satisfactory employment upon completion of the training shall be thoroughly considered and found favorable before the veteran is approved for such training. The veteran will be encouraged to develop gradually a market for his products and services and to supply that market so that by the completion of the training program he will have been trained into employment.

(i) *Institutional on-farm course.* An institutional on-farm course is one designed to restore employability by training a veteran to operate a farm over which he has control or to manage a farm as the employee of another. Such course shall be carefully planned and developed by the Veterans Administration in collaboration with the instructor to suit the needs of the individual veteran. Full consideration should be given to the size and character of the farm on which the veteran is to receive the on-farm part of his course. He must become proficient in the type of farming for which he is training—in planning, producing, marketing, farm mechanics, conservation of farm resources, conservation of food, farm financing, farm management, and the keeping of farm and home accounts. Instruction will satisfy the requirements of subparagraph (1) or (2) of this paragraph.

(1) Organized group instruction (classroom) in agricultural and related subjects of at least 200 hours per year (not less than 8 hours in any one month and sufficiently more in other months to aggregate the required 200 hours per year) at an agricultural school or other educational agency, plus individual instruction in accord with either of the following:

(i) Where a farm is under the veteran's own control 100 hours of individual instruction per year, not less than 50 hours of which shall be on such farm with at least two visits by the instructor to such farm each month.

(ii) Where the veteran is to be trained to manage a farm of another, not less than 50 hours of individual instruction per year with at least one visit by the instructor to such farm each month.

(2) On-farm instruction of at least 200 hours per year (not less than 10 hours in any one month and sufficiently more in other months to aggregate the required 200 hours per year) given by a fully qualified individual instructor by contract either with an educational agency or directly with the individual instructor, when

(i) It has been definitely found that there is not available within reasonable commuting distance of the veteran's farm organized group instruction (classroom) or that the major portion of such organized group instruction (classroom) as is available does not have direct relation to the veteran's farming operation

and the records are clearly and fully documented accordingly, and

(ii) Such instruction is limited to situations where the veteran is being trained to operate a farm over which he has control.

(3) Where the course is designed to train a veteran to operate a farm under his own control the plan for training developed by the Veterans Administration in collaboration with the instructor will satisfy the following requirements:

(i) A complete written survey of the farm on which the veteran is to pursue training and an evaluation of the practical potentialities of the farm.

(ii) An overall, long term farm and home plan based upon the survey of the farm.

(iii) An annual farm and home plan prepared before the beginning of each crop year of the prescribed course based upon the overall, long term farm and home plan.

(iv) A detailed individual training program showing the kind and amount of instruction—classroom and individual, or on-farm group and individual, or individual.

(v) The operation of the farm shall be under the control of the veteran by ownership, lease, or other written tenure arrangement. Where the tenure arrangement is other than by ownership, the lease or other written agreement shall afford the veteran control of the farm at least until the completion of his course. The veteran's control must be such that he will be free to carry out the teachings of his training program and to operate his farm according to a farm and home plan developed by the Veterans Administration in collaboration with the instructor, the veteran, and when appropriate, the landlord. Also, the lease or agreement must provide for capital improvements to be made which are necessary for carrying out the farm and home plan, with the veteran furnishing no greater portion of the costs thereof than the benefits accruing to him warrant. Furthermore, it must provide for the landlord to share the costs of improved practices put into effect in proportion to the returns he will receive from such practices. Ordinarily training will be approved for only one veteran on a single farm. However, where conditions of a particular farm are so highly favorable as to size, character, productivity, and equipment to assure the successful rehabilitation of a veteran in partnership with another person, such veteran may be placed in training with one, but not more than one, other veteran on a single farm, when the other veteran is, or immediately will be, in IOF training or has satisfactorily pursued IOF training under laws administered by the Veterans Administration. There must be documentary evidence that the two principals have entered into a bona fide partnership agreement which provides for equal authority between the partners in the management and operation of the farm.

(vi) The farm at the time of induction of the veteran into training and throughout the period of training shall be of such size and character that, together with the instruction part of the course, it will occupy the full time of the veteran, will permit instruction in planning, management, and operation of most of the major farming enterprises in the veteran's farm and home plan and, at least by the end of the necessary minimum period of training, will assure him a reasonably satisfactory living under normal economic conditions.

(vii) The farm must have the necessary buildings and equipment to enable the veteran satisfactorily to commence pursuit of the course of institutional on-farm training, and there must be present conditions which give reasonable promise that any additional items required for pursuit of the course, including livestock, will be available as they become necessary.

(viii) The duration of the prescribed course shall represent a reasonable estimate—subject to lengthening or shortening, as necessary—of how long it will take to accomplish the goals set out in the overall farm and home plan.

(4) Where the course is designed to train the veteran to manage a farm as the employee of another, the plan for training developed by the Veterans Administration in collaboration with the instructor will satisfy the following requirements:

(i) A complete written survey of the farm on which the veteran is to pursue training prior to induction of the veteran into training and showing the kind and size of each enterprise being conducted on the farm, the kind and amount of equipment being used, the number of employees, and other factors which would indicate that the farm facility is satisfactory for purposes of vocational rehabilitation training.

(ii) The employer-trainer shall have agreed to employ the veteran as manager of the farm on which he is being trained if his conduct and progress remain satisfactory, or there shall be definite assurance that the veteran will be employed as manager of a specified comparable farm.

(iii) The individual instruction on the farm shall be given by the veteran's school instructor.

(iv) The employer-trainer's farm shall be of a size and character which, together with the group instruction part of the course, will occupy the full time of the veteran and will permit instruction in all aspects of the management of a farm of the type for which the veteran is being trained.

(v) The employer-trainer shall agree to instruct the veteran in various aspects of farm management in accordance with the individual training program developed by the Veterans Administration in collaboration with the instructor and employer-trainer.

(vi) The employer-trainer's farm shall have the necessary supplies and equipment which will permit instruction in all aspects of the management and operation of a farm of the type on which the veteran is being trained.

(vii) The employer-trainer shall have agreed to pay the veteran for each successive period of training a salary or wage rate commensurate with the value of the veteran's productive labor and not less than that customarily paid to a non-veteran-trainee in the same or similar training situation in that community.

§ 21.202 Full-time vocational rehabilitation training.

(a) Full-time vocational rehabilitation training for disabled veterans having a normal work tolerance will be:

(1) For on-the-job, the number of hours in the prevailing workweek for the locality and in the occupation for which the veteran is training;

(2) For a school other than an institution of higher learning, the number of clock hours of attendance per week customarily required of full-time students in the course;

(3) For an institution of higher learning, the number of credit hours for which full-time students in the course customarily are required to enroll.

(b) Full-time training for a disabled veteran who is determined by appropriate medical authority to have less than a normal work tolerance will be that amount which his work tolerance will permit. A veteran with a reduced work tolerance will be provided training when:

(1) His vocational rehabilitation is medically feasible; and

(2) His program can be planned for completion within his statutory limits or there is a plan which offers reasonable assurance of the program being completed by some other agency or responsible individual; and

(3) The amount of time which can be devoted to training by a veteran with a permanent reduced work tolerance is as great as his disability will permit; or the veteran has a temporary reduced work tolerance and there is reasonable promise that during training his work tolerance will increase. In each case of temporary reduced work tolerance the following are for application;

(i) The veteran will not be entered into training until it is determined that he is able to devote to his training at least four hours a day, exclusive of any time required to travel to and from his place of training.

(ii) At the end of each 90-day period proper medical authority will determine the maximum amount of time the veteran can devote to his training and his individual training program will be developed accordingly.

(iii) The veteran will be removed from his course of vocational rehabilitation at any time his work tolerance falls below four hours per day.

§ 21.203 Less than full-time vocational rehabilitation training.

A veteran may be enrolled in a program of less than full-time vocational rehabilitation training only in accordance with one of the following:

(a) The veteran, while employed, is being provided specialized restorative training to make it possible for him to hold his present employment, or to prepare him for employment in another occupation because the progressive character of his disability will eventually preclude employment in his present occupation. For any such training the rate of subsistence allowance authorized cannot exceed the difference between the veteran's current rate of pay and the

rate of pay he will receive upon completion of the prescribed course of special restorative training.

(b) The veteran is training on the job in a training establishment not operating full time. When full-time training on the job becomes unavailable because the training establishment is operating on a part-time basis, or is shut down temporarily, it will be determined immediately whether full-time training in the establishment will be available within a period of time not to exceed approvable ordinary and hardship leave. If it is determined that full-time training in the same establishment will be available within a period of time not to exceed approvable leave, the veteran may be continued in training status in that establishment. When it is determined that full-time training will not be available within a period of time covered by approvable leave but it is reasonably certain the establishment will continue to operate on a part-time basis, action will be taken as follows:

(1) If it is determined that the particular establishment is operating less than the amount of time that similar establishments are operating in the general area, the veteran's training will be interrupted and every effort will be made to place him in a training facility which is operating the amount of time which is approximately the standard in the general area.

(2) If it is determined that the particular establishment is operating approximately the same number of days per month as other similar establishments in the general area and there would be no advantage in changing the veteran to another training facility, the veteran may be continued in the establishment.

(3) Any extension of training status beyond 48 months which is authorized because the training establishment is operated on a part-time basis or was shut down temporarily may not exceed the amount of time for which ordinary and hardship leave was granted because of part-time operation or temporary shutdown during the 4-year period the veteran was in training status.

§ 21.204 Maximum duration of the course.

(a) *Length of the course.* The maximum duration of a course of vocational rehabilitation may not exceed the period necessary to restore employability.

(1) Where the requirements for amount of training necessary to qualify for employment in a specific objective vary from area to area within a State, the disabled veteran will be provided that amount of training which will render him satisfactorily employable in all areas of the State. For example, where the State requires training to a bachelor's degree for certification to be eligible to teach in high school, but some local school systems of that State require training to a master's degree in order to be employed as a high school teacher, it will be proper to train the disabled veteran to a master's degree.

(2) A seriously handicapped veteran may be provided a course of training longer than is ordinarily required to qualify for employment in a particular occupation or may be trained to a higher level than is usually required when the following conditions exist:

(i) The veteran is preparing for a type of work in which he will be at a definite disadvantage in competing with the nondisabled for jobs or business, i.e., his disability is such that it not only seriously limits the number of occupations which are feasible but it also seriously restricts the number of employment opportunities within the occupation for which employers will consider hiring him or which would otherwise be available to him; and

(ii) A course of training is available which is more advanced than is ordinarily provided for vocational rehabilitation purposes, or an additional body of closely related training is available which affords substantial promise of offsetting the veteran's extra handicap.

(b) *Basic termination date for vocational rehabilitation training.* Except for the veteran coming under paragraph (c) of this section, a disabled veteran of World War II may not be placed into or continued in vocational rehabilitation training after the basic termination date of July 25, 1956. Nor may a disabled veteran of the Korean Conflict, except one falling under paragraph (c) of this section be placed into or continued in training after the basic termination date of:

(1) August 20, 1963, if he was discharged or released from active service prior to August 20, 1954; or

(2) January 31, 1964, or that date which is exactly 9 years after his discharge or release from active service, whichever is the earlier, if he was discharged or released from active service on or after August 20, 1954.

Nor may a veteran be entered or reentered into training which cannot be completed by his basic termination date except under paragraph (c) or (d) of this section.

(c) *Conditions governing the providing of vocational rehabilitation training beyond the basic termination date.* When in accordance with the provisions of this paragraph it is determined that an otherwise eligible veteran has been prevented from timely entering or, having entered, from completing vocational rehabilitation training within the 9-year period ending with the veteran's basic termination date, he may be afforded training beyond his basic termination date but not beyond a date falling exactly 4 years after his basic termination date.

(1) *Prevented from timely entering training.* A veteran who has not entered training prior to his basic termination date, shall be deemed to have been prevented from timely entering training if it is determined that:

(i) The veteran's physical or mental condition was such as to make training medically infeasible during all or any part of the 90-day period immediately preceding the date falling exactly 4 years prior to his basic termination date. Such determination shall not be based upon an acute condition of transitory nature such as would have caused a temporary delay as distinguished from an indefinite postponement of the veteran's induction into training; or

(ii) The veteran's discharge from service was such as to meet the basic eligibility requirement for vocational rehabilitation for the first time on or subsequent to the beginning day of the 4-year and 90-day period immediately preceding his basic termination date; or

(iii) The veteran first established the existence of a service-connected compensable disability on or subsequent to the beginning day of the 4-year and 90-day period immediately preceding his basic termination date; or

(iv) The veteran subsequent to the beginning day of the 4-year and 90-day period immediately preceding his basic termination date, has established the existence of an increase in the degree of the disabling effect of his service-connected disability or an additional service-connected disability which warrants a finding that need for vocational rehabilitation is attributable to the change. The determination of this question in each case will be based on all the facts established to the date the determination is made and in accord with the provisions of Veterans Administration regulations applicable on such date. In no case will it be determined under this subdivision that the veteran was prevented from timely entering training if an affirmative finding of need for vocational rehabilitation had been made at any time prior to the 4-year and 90-day period immediately preceding the veteran's basic termination date.

(2) *Having timely entered training, prevented from completing training.* A veteran who was not prevented from timely entering vocational rehabilitation training, and who was properly entered into training will be deemed to have been prevented from completing his training only when it is determined that one of the following conditions exists:

(i) As of the last day when sufficient time remained or remains to permit completion of the course within the 9-year period ending with his basic termination date, the veteran's physical or mental condition—

(*a*) Made or makes pursuit of training medically infeasible; or

(*b*) Requires a reduction in his scheduled hours of training; or

(*c*) Prevents an anticipated increase in his scheduled hours of training where the veteran is already pursuing training on a reduced-time basis.

(ii) Because of the veteran's physical or mental condition and, through no fault on his part, revaluation is necessary, and the objective selected will require training beyond his basic termination date. Where such veteran was in interrupted or discontinued status, except where his physical or mental condition prevented him from doing so, he must have made himself available for reentrance when there was sufficient time remaining before his basic termination date to complete the training which would have been required to attain the last established objective of record.

(3) *Prevented from timely entering a course which would assure vocational rehabilitation.* A veteran who met the

conditions of subparagraph (1) of this paragraph, having entered training subsequent to July 25, 1952, and prior to August 20, 1954, shall be deemed to have been prevented from timely entering training and may be afforded training beyond July 25, 1956, but in no event beyond July 25, 1960, provided his case meets one of the following conditions:

(i) Based upon the facts of record it is established that the objective selected or the course prescribed was assuredly not the objective which would have been selected or the course which would have been prescribed had it not been for the termination date of July 25, 1956; and it is now determined that the action taken to approve the objective or to prescribe the course was in error because completion of the prescribed training will not lead to employability at a level which is reasonably consistent with the veteran's aptitudes, interests, and abilities, and consequently will not result in bona fide vocational rehabilitation.

(ii) Based upon the facts of record it is established that the objective selected and the training prescribed are suitable to accomplish vocational rehabilitation but for reasons beyond the control of the veteran (such as the school or establishment going out of business, work stoppages interrupting apprenticeship or job training, or acute illness of the veteran of a transitory nature) it is now shown that the course cannot be completed within the period anticipated, and in order to accomplish vocational rehabilitation in the objective, it is necessary to extend the period of training beyond July 25, 1956.

(iii) Although the objective selected was considered to be entirely suitable for the veteran at the time he entered training, subsequent experience has demonstrated that vocational rehabilitation cannot be effected in that objective and a change of objective to one that is suitable to accomplish vocational rehabilitation will require a period of training which will extend beyond July 25, 1956.

(d) *Conditions governing providing vocational rehabilitation training when the program cannot be completed by the veteran's termination date.* When it is determined that a disabled veteran meets all the conditions for vocational rehabilitation training but he lacks sufficient time to complete training by his termination date, he may be entered, re-entered, or continued in training under one of the following conditions:

(1) There is a written agreement among the veteran, the Veterans Administration, and some other responsible agency or individual that upon expiration of the veteran's entitlement under Chapter 31, the responsible agency or person will provide the remaining amount of training necessary to restore the veteran to employability, so long as his conduct and progress remain satisfactory. Such responsible agency or person may be the State Rehabilitation Agency or it may be the responsible official of a grant-in-aid fund which provides an amount that gives support to living expenses, and for school training, tuition costs if any. The essential requirement is that support of a veteran's program will be reasonably assured and he agrees that it is sufficient to enable him to remain in his course to its completion. A veteran may enter training or reenter for a new objective only if there remains at least three months between the date of entrance or reentrance and the veteran's termination date.

(2) It is determined that the veteran who has entered into training properly planned for completion by his termination date will not reach employability by that date for reasons beyond his control and it is not possible to arrange for completion of his training by some other agency or individual. In such case the veteran will be allowed to continue his course for his selected objective to his termination date, at which time all obligation of the Veterans Administration will cease.

(3) The prescribed course of vocational rehabilitation leads to an objective the practice of which requires passing of an examination for license and the veteran is able to complete all of the course by his termination date but is unable to take the licensing examination by that date. The veteran will be notified that obtaining a license will not be the responsibility of the Veterans Administration.

§ 21.205 Adjusting the duration of the course.

(a) A course of training will be prescribed and arranged for which is necessary to restore employability in the occupation which has been selected. Although certificate B gives an estimated length of the course, the duration will be that period of training which is necessary to qualify for employment at the entry level for a trained worker in the selected occupation, taking into account any applicable previous training or experience in the individual veteran's case. As the veteran proceeds with his course there will be a continuing appraisal of his progress toward satisfactory completion of training. Based on this appraisal, any necessary adjustments to lengthen or shorten the previously planned period of training will be made to assure that:

(1) The veteran upon completion of such training will be employable at the entry level for a trained worker in the selected occupation; and

(2) The duration of the veteran's course will not exceed the period necessary to make him employable in his objective.

§ 21.206 Conditions for approval of training in excess of 4 years.

The purpose of vocational rehabilitation to restore employability will be accomplished within 4 years unless it is determined that a longer period is necessary. Training in excess of 4 years may be considered necessary to fulfill the purpose of vocational rehabilitation and may be approved only under one of the following conditions:

(a) The veteran cannot be trained to employability in an occupation consistent with the vocational handicap resulting from his disability and suitable in terms of his aptitudes, abilities and interests, without exceeding 4 years of training time, subject to the following:

(1) Where more than one objective is determined to be suitable, the one requiring the shortest period of training is selected;

(2) Training in excess of 4 years will not be approved for the purpose of including in the veterans' training program;

(i) A medical internship or any part thereof;

(ii) Preprofessional education on the collegiate level required for entrance into a course of education for one of the professions, except where the veteran, prior to his application for vocational rehabilitation, and other than under laws administered by the Veterans Administration, has completed and received credit for the equivalent of at least one full school year of a course of education at the collegiate level, which is definitely identified as preparatory for or leading to his designated objective.

(3) Where the veteran's selected objective is reasonable in terms of his educational background and demonstrated abilities and he lacks the general education necessary for entrance into or satisfactory pursuit of his vocational course, general education on the elementary or secondary level may be provided if the general educational level to be attained can be reached in not to exceed two full school years—approximately 18 months—and the vocational course can be completed in not to exceed an additional 48 months.

(b) Circumstances beyond the control of the veteran necessitate the extension of training which was originally planned for completion within 4 years, or which was originally authorized under this section to exceed 4 years; or

(c) Training in excess of 4 years is necessary in order to qualify the seriously handicapped veteran for employment.

§ 21.207 Repetition of a course.

(a) A veteran having completed a course under Chapter 31 according to the standards and practices of the institution ordinarily will not be authorized to pursue it again at the expense of the Government. However, repetition of the course or a particular part or parts of it may be approved when it is determined to be necessary to accomplish the veteran's vocational rehabilitation.

(b) An eligible veteran who has completed a course of training under Chapter 31 may pursue a review course if it is specifically organized and conducted as a review course. The number of repetitions of a review course which may be approved for a particular veteran will be determined on the basis of his need and a reasonable assurance that further repetition will restore employability.

Status of Veterans Prior to Induction Into Training

§ 21.208 Status "induction pending."

When certificate B is completed and signed the veteran will be in status "induction pending" until one of the following occurs:

(a) The veteran is inducted into training.

(b) The veteran declines induction into training.

(c) The veteran's case is referred back to the counseling activity for some reason such as (1) reconsideration of the employment objective, or (2) reconsideration of medical feasibility.

(d) It is established that a determination of eligibility or need for vocational rehabilitation is based on fraud, error of law, confusion of names, misfiling of papers; or that the veteran never had a service-connected disability; or that the veteran's rights to vocational rehabilitation are otherwise forfeited.

(e) The veteran's disability is reduced to a noncompensable degree.

(f) The veteran's statutory period expires.

(g) The veteran dies.

§ 21.209 Status "training declined."

(a) A veteran in status "induction pending" who has never been in vocational rehabilitation training will be changed to "training declined" when, after being properly notified that suitable training is available for him and instructed as to the next step he should take:

(1) He fails to respond, or

(2) He declines or refuses induction, or

(3) He defers induction for a period exceeding 30 days beyond the scheduled date of induction, except where such deferment is due to illness or other sufficient reason, or

(4) He has been given notice to report to a designated place and time to commence training, and he fails to report and fails to furnish satisfactory reasons for not reporting, or

(5) He commences or continues to pursue education or training under Chapter 33.

(b) The veteran who is changed from status "induction pending" to status "training declined" will be informed that the entire question of need for vocational rehabilitation will be reconsidered if he applies for induction into training. Unless the disability is of such nature that reduction of the degree of disability to less than 10 percent is very improbable, the veteran will also be informed of the possibility that his disability rating may be reduced to less than compensable degree with loss of entitlement for vocational rehabilitation.

SELECTING THE TRAINING FACILITY

§ 21.210 Authority to make arrangements with establishments for training on the job.

(a) Arrangements and agreements will be made with private and public establishments within the regional territory to furnish training on the job, including apprentice training to accomplish the vocational rehabilitation of disabled veterans where the establishment:

(1) Meets the criteria applicable to selecting a facility; and

(2) Agrees to furnish the Veterans Administration monthly a statement in writing showing wages, compensation, and other income paid directly or indirectly to each trainee during the month; and

(3) Signs an agreement to provide training on the job to disabled veterans.

(b) A joint apprenticeship committee or similar labor-management committee may be recognized as a training facility when:

(1) The committee is charged with the responsibility for controlling training programs in a standard apprentice course for a given craft;

(2) The establishments which such committee uses for training are qualified to provide a satisfactory course of training;

(3) The joint committee satisfactorily performs the functions delegated to it.

(c) Agreements with establishments for training veterans will be executed as the need develops and when there is reasonable assurance that the establishment will be used. The agreement may cover any or all courses offered by the establishment which it is expected will be used even though the need for all such courses is not present at the time the agreement is executed.

§ 21.211 Factors to be considered in selecting the facility.

(a) *Criteria which must be met by the training facility.* Veterans are to be placed only in training facilities which:

(1) Have space, equipment, instructional material, and instructor personnel adequate in kind, quality, and amount for the desired training of the particular veteran;

(2) Have fully accepted the obligation to give training in all parts of the training program which has been prepared for him to give to the particular veteran;

(3) Provide courses which meet the customary requirements in the locality for employment in the particular occupation in which training is given and which meet the requirements for license or permit to practice the occupation, if such is required;

(4) Provide continuous training without interruption except for normal holidays and vacation periods for all veteran-trainees placed with them;

(5) Provide daytime courses for the trainee except where a veteran training on the job must take his turn on the night shift; an evening course is prescribed as related instruction supplementing daytime training; or necessary courses cannot be obtained during the working hours of the day;

(6) Will modify the program, when necessary, to compensate for the limitations resulting from the veteran's particular disability or needs;

(7) Will organize training into definite steps or units which will result in progressive training;

(8) Will encourage rapid progress of each trainee rather than limit progress of the individual to the progress of the group;

(9) Will not, during the period of training, continue trainees on productive operations beyond the point of efficient training; and

(10) Indicate willingness to cooperate with the Veterans Administration in its supervision of the veteran and execute report forms covering attendance, performance, and progress in training.

(b) *Additional considerations.* In selecting the place of training, its accessibility, and the preference of the veteran will be considered.

(c) *Ownership or control by veteran or relative.* A veteran will be entered into training in a proprietory school or training on-the-job establishment in which he or a close family relative has control or a monetary interest only when:

(1) Another satisfactory facility is not available;

(2) The social and economic relationship of teacher to pupil will be satisfactory for the efficient promotion of learning; and

(3) In cases of training on the job, the veteran will be paid a wage that fully compensates him for services rendered while in training.

§ 21.211a Training in a foreign country.

Vocational rehabilitation training will not be afforded in a foreign country, except the Republic of the Philippines, unless adequate training for the selected employment objective is not available in the United States or its possessions, and then only if training can be pursued under the direct supervision of a representative of the Veterans Administration.

THE INDIVIDUAL TRAINING PROGRAM

§ 21.212 Preparation and content.

(a) Prior to or immediately upon inducting the veteran into training there will be prepared for him a detailed individual training program designed to qualify him for his selected occupation. It will be written in such definite terms and consist of elements so clearly appropriate to the chosen employment objective that its successful completion will assure satisfactory employability in the chosen objective. In order to take care of the peculiar requirements of the veteran, it may include items in addition to those usually required in a training program for a particular occupation. For example, a complete training program for a lawyer commonly would not include the subject stenography, but for a particular veteran stenography might be necessary and might properly be made a part of his individual training program.

(b) For professional objectives other than physician 0–26.10 and physician, osteopathic, 0–39.96, successful completion of the professional curriculum at an approved professional school ordinarily qualifies an individual to practice the profession for which the school has trained him, subject, in some instances, to State licensure requirements. Accordingly, the professions physician and physician, osteopathic, are the only ones where internship may be included in the training program. Where the graduate of a professional school is required to have experience in the practice of his profession as a prerequisite to licensure, as for example, in pharmacy, the period is sometimes referred to as an internship or an apprenticeship, but actually the situation is one of employment, and may not be included in the veteran's training program.

INDUCTING THE VETERAN INTO TRAINING

§ 21.220 Conditions to be met before induction into training.

A veteran may be inducted into training in an institution or establishment for the purpose of pursuing a course of vocational rehabilitation when:

(a) Vocational counseling has been rendered and certificate B executed;

(b) There has been obtained and is waiting to be used a place of training which meets the criteria for selecting a training facility and, in the case of training on the job, has agreed to report to the Veterans Administration monthly as required by the law any payments of money to the trainee;

(c) An adequate individual training program for the veteran has been prepared and prescribed;

(d) There is no known reason for any change in the determination that training is medically feasible;

(e) The veteran's disability rating has not been reduced to a non-compensable degree; and

(f) The service connection of the veteran's disability has not been severed.

§ 21.221 Requirement for a memorandum agreement prior to induction into training in a school.

A memorandum agreement will be effected immediately to permit the induction of the veteran into training when:

(a) He is to be entered into a school with which a contract is required;

(b) His vocational rehabilitation will be jeopardized by withholding him from training because the contract cannot be completed immediately; and

(c) Indications are that the contract eventually will be completed.

§ 21.222 Additional conditions to be met prior to induction into training on the job.

When the prescribed course of vocational rehabilitation consists of or includes training on the job, the following conditions must be met prior to inducting the veteran into training:

(a) The training establishment has agreed to pay the veteran during training a salary or wage commensurate with the value of the veteran's productive labor and not less than that customarily paid to nonveteran-trainees in the same or similar training situation.

(b) The veteran understands that when his combined income for wages and his subsistence allowance exceed the standard entrance wage for a trained worker, the subsistence allowance will be reduced in that amount by which the combined income exceeds the trained worker rate.

(c) The salary or wage rate for productive labor incident to training is not less than that prescribed by the Fair Labor Standards Act of 1938 (Pub. Law 718, 75th Cong.) as amended.

(d) There is the understanding with the employer-trainer that if the veteran's conduct and progress are satisfactory, the training will terminate with employment.

(e) The training establishment signs an agreement to provide training on the job to disabled veterans.

§ 21.223 Authority to induct veterans into training on the job at subminimum wage rates.

(a) The Fair Labor Standards Act of 1938 (Pub. Law 718, 75th Cong.), as amended, requires a minimum wage of $1 per hour for most persons who work in commerce and closely related occupations. The Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, may approve a subminimum hourly wage rate for handicapped workers where necessary in order to prevent curtailment of opportunities for employment. The minimum wage of $1 is applicable to veterans inducted into vocational rehabilitation training. Similarly, the Walsh-Healey Public Contracts Act (Pub. Law 846, 74th Cong.) requires that all persons employed by a contractor on work subject thereto be paid not less than the applicable minimum wages as determined by the Secretary of Labor. When the hours of employment-training exceed 40 in any 1 workweek or 8 in any 1 day, employees not exempt must be paid not less than time and one-half. Questions of coverage in all doubtful cases will be cleared with the Wage and Hour and Public Contracts Divisions' Regional Director before induction into training.

(b) When a prospective employer-trainer will not meet the minimum wage requirements of the Fair Labor Standards Act, or the Walsh-Healey Public Contracts Act, such training facility will be used only when:

(1) No other satisfactory training opportunity for the desired training is available in the veteran's community;

(2) The trainee's disability precludes initial entrance into training at the minimum wage otherwise applicable; and

(3) A certificate has first been issued permitting induction and prescribing the rate to be paid. In the absence of such a certificate, the employer-trainer is liable to the penalties prescribed in the act, including the possibility of an employee's suit. The subsistence allowance paid the trainee by the Veterans Administration may not be considered as offsetting any part of the wage or other remuneration that will be due to the worker from the employer-trainer.

§ 21.223a Effective date of induction into training.

(a) The effective date of induction of a veteran into training will be the date the veteran actually commences or reenters the prescribed course but not earlier than the date the veteran is authorized by the Veterans Administration to commence the course. In schools operated on a term basis, the date on which the school requires the veteran to report for prescribed activities, such as registration, may be considered the date of commencing the prescribed course, if the veteran reports on that date.

(b) A veteran may be inducted into vocational rehabilitation training retroactively when:

(1) The facts, equities, and demonstrated good faith on the part of the veteran justify such action;

(2) The regional office submits the facts and recommends it to Central Office; and

(3) It is approved by the Director, Vocational Rehabilitation and Education Service.

§ 21.224 Release of information.

(a) When, for the purpose of arranging for the training or employment of a veteran, it is necessary to release information regarding his disability or other matters to a person or establishment requested by the Veterans Administration to provide training or employment for the veteran, the information directly pertinent to the purpose may be released to the appropriate party, when the veteran authorizes such release.

(b) Ordinarily, the veteran will have authorized the release of information regarding disability at the time of counseling. However, where the veteran objected to the release of such information at the time of counseling, information regarding his disability or other matters may not be released unless the veteran reconsiders and authorizes it. Confidential information which does not enable the training institution better to serve the veteran in the pursuit of his course will not be included. With the release of any information which the trainee has authorized, there will be included special notice that the information is strictly confidential, is furnished solely for the purpose of enabling the training institution better to serve the veteran in the pursuit of his course, and under no circumstances is to be released to any other parties.

§ 21.225 Training of psychiatric patients while on trial visit from Veterans Administration hospital.

An eligible veteran who is in need of vocational rehabilitation and for whom training is medically feasible may be entered or reentered into training while on trial visit from a Veterans Administration hospital when:

(a) He is currently rated competent, or

(b) He is currently rated incompetent but has a legally appointed guardian.

§ 21.226 Training while a patient in a Veterans Administration hospital.

(a) Subject to the provisions of other applicable Veterans Administration regulations, an eligible veteran may be entered or reentered into training prior to release from a Veterans Administration hospital when all the following conditions are met:

(1) The Veterans Administration hospital has determined that the proposed training will not materially interfere with the veteran's regime of medical treatment nor delay hospital discharge and that the disabled veteran will be able to spend a significant part of the day away from the hospital at the proposed training facility.

(2) The regional office Rehabilitation Board has determined not only that training is feasible but that the course to be undertaken constitutes bona fide vocational rehabilitation training for the individual veteran and that the veteran will pursue a significant amount of training so that training benefits will not be

exhausted at a rate which may adversely affect post-hospitalization vocational rehabilitation training.

(b) A correspondence course of training will not be pursued as the total course of training for a veteran who is hospitalized.

(c) During the course of training the training officer will be alert to any factors which may interfere with the patient's success in training or with his eventual discharge from the hospital. If the patient's adjustment is questionable at any time, the training officer will immediately bring this to the attention of the hospital, for determination as to whether any change in medical treatment is indicated.

SUPPLIES

§ 21.230 Definition.

The term "supplies" includes books, tools, supplies and equipment.

§ 21.233 Prevention of abuse.

The furnishing of supplies is fraught with possibilities of marked abuse. Accordingly, care is to be exercised, including examination of the veteran's records, to make certain articles will not be furnished to the veteran-trainee which duplicate those which have been previously furnished by the Veterans Administration or which otherwise are in his possession. Supplies are to be furnished under the most careful checks as to what is required by the training institution of all trainees. The veteran is not to be allowed to determine what supplies will be furnished.

§ 21.234 General limitations.

(a) Supplies will be furnished to the veteran when they are needed and not all at the beginning of the course.

(b) Articles necessary to further pursuit of the course and which are lost, stolen, misplaced, or damaged beyond repair, will be replaced at Government expense when it is determined that such loss or damage occurred through no fault on the part of the veteran, including lack of due care. If any articles which are indispensable to further pursuit of the course need to be replaced, due to fault on the part of the veteran, it will be necessary for him to replace them. If the veteran is willing but financially unable to make replacement, an advancement for this purpose may be made from the Vocational Rehabilitation Revolving Fund if the veteran is eligible for the loan. Where a veteran refuses to replace articles indispensable to further training after it is determined that the loss was due to fault on his part, it will be necessary to discontinue training for lack of cooperation.

(c) The Veterans Administration will not reimburse a veteran who personally buys supplies. Payment for supplies is made to the training institution or to the vender from whom they are purchased by the Veterans Administration. If required supplies were sold to a veteran by an institution and the institution chooses to return to the veteran the amounts paid by him so that the charges stand as an unpaid obligation of the Veterans Administration to the institution, payment may be made if otherwise in order.

(d) When a particular article is furnished for use in more than one subject and the same article is required for use in other subjects or in another quarter, semester, or school year, the article furnished will be made to serve for all such requirements and will not be duplicated at Government expense. Also, the supplies which have been furnished for one part of a combination course will not be duplicated for the other part of the course.

§ 21.234a General limitations where vocational rehabilitation training under Chapter 31 follows training under Chapter 33.

(a) When a veteran enrolled under Chapter 33 in a school course on a quarter, semester, or other term basis is inducted into vocational rehabilitation training in the same course or for an objective requiring the same supplies at any time after the beginning of the term, the amount authorized for supplies for the remainder of the term will be limited to the pro rata part of the total value of the supplies which the time remaining for completion of the term bears to its total length.

(b) When a veteran enrolled under Chapter 33 in a school course operating on other than a term basis or in an on-the-job course is inducted into vocational rehabilitation training to continue his training in the same objective or an objective requiring the same supplies, the amount authorized for supplies for the remainder of the course will be limited to the pro rata part of the total value of the supplies which the time remaining for completion of the course bears to its total length.

§ 21.235 Authority to furnish supplies to veterans in school training.

(a) Subject to other applicable Veterans Administration regulations, a veteran pursuing a course of vocational rehabilitation in a school may be furnished supplies required by the school to be personally owned by every other student pursuing the same course.

(b) It is the general policy to have schools furnish supplies wherever practicable inasmuch as such practice will facilitate service to the veteran. If the school cannot be induced to furnish supplies, they will be furnished in the manner supplies are furnished for training on the job.

§ 21.236 Authority to furnish supplies to veterans in training on the job.

(a) Subject to the provisions of other applicable Veterans Administration regulations, a veteran pursuing a course of vocational rehabilitation on the job may be furnished necessary supplies as required of all similarly circumstanced trainees in the establishment, but not to exceed in quality or amount such items as are ordinarily required to be in the personal possession of trainees pursuing training for the particular objective in establishments in the same general locality.

(b) A veteran pursuing a course of vocational rehabilitation training on the job may be furnished necessary textbooks and other text materials when:

(1) The training establishment certifies that the textbooks or other text material are required to be owned and used by the veteran as a part of his course of training on the job;

(2) The use of the textbooks or other text materials is made a part of the veteran's individual training program; and

(3) The use of the textbooks or other text material definitely is arranged for on the basis of study assignments, the completion of which by the veteran is checked and evaluated by the trainer and reported by the veteran on his monthly report of training.

§ 21.237 Furnishing supplies to veterans in institutional on-farm training.

Before a veteran may be inducted into institutional on-farm training, the farm on which he is to pursue the on-farm part of his course must be equipped with the kinds and amount of supplies and equipment which are necessary to enable him to pursue successfully that portion of the course. Accordingly, the Veterans Administration will not furnish any equipment or supplies which may be required to operate the farm. Where organized group instruction in a school is a part of the veteran's course, the Veterans Administration will furnish those books and consumable supplies required by the school to be personally owned by all students in the school portion of the course. Where all instruction is given on the veteran's farm by an individual instructor, the Veterans Administration will furnish only those textbooks and consumable supplies required by the instructor to be owned by the veteran as a part of his individual training program. The use of such textbooks will be arranged for on the basis of study assignments, the completion of which is checked and evaluated by the instructor and reported by the veteran on his monthly report of training. Special equipment may be authorized when needed because of the character of the veteran's disability.

§ 21.238 Furnishing magazines and other periodicals.

Subscriptions to magazines and other periodicals for veterans will not be at Veterans Administration expense. However, where specific magazine articles are selected by a school and prescribed as required text material, appropriate past issues of magazines or periodicals or reprints of articles excerpted from them may be furnished at Veterans Administration expense in the same way as school textbooks are furnished. Reprints as authorized in this section shall consist only of those issued and offered for sale by the publishers.

§ 21.239 Furnishing supplies to veterans pursuing training in the home.

A veteran pursuing vocational rehabilitation training in the home may be furnished:

(a) Necessary supplies in quality and amount not to exceed supplies which are generally required to be in the personal possession of all students or trainees by schools or training establishments in

the same general area which train individuals for the objective the veteran is pursuing in his home.

(b) Equipment which is essential to the prescribed course of training because the veteran is pursuing it in his home. Equipment in this category consists of items which are ordinarily provided by the place of training; for example, shop equipment, which would be available to the veteran but for the limitations imposed by his disability which render him unable to travel to a place of training where such equipment is available.

(c) Minimum necessary textbooks and other text material when the following conditions are met:

(1) The instructor or the institution furnishing the training in the home certifies that the textbooks and other text materials are required to be owned and used by the veteran as a part of his course, and

(2) The use of the textbooks or other text material is made a part of the veteran's individual training program.

§ 21.240 Furnishing clothing.

One of the purposes of the subsistence allowance is to enable the veteran to provide himself with clothing. Apparel worn in lieu of ordinary clothing will not be identified as articles of training equipment or supplies. Consequently, gymnasium clothing, laboratory coats and trousers, nurses or medical technicians uniforms, school or military uniforms, coveralls, work uniforms, or other similar articles will not be furnished by the Veterans Administration even though the training establishment may require a certain type or style of apparel to be worn by all students, trainees, or employees. Protective articles, such as laboratory aprons, rubber gloves, goggles, et cetera, which are required to be worn for the purpose of protecting the trainee from physical harm incident to pursuit of the course and are not worn in lieu of or for the purpose of protecting his personal clothing, may be furnished when required to be worn by all students taking the same course.

§ 21.240a Furnishing items susceptible of personal use.

Musical instruments, cameras and their accessories, tennis rackets, golf clubs, fountain pens, desk sets, and similar items which are susceptible of use for personal purposes will not be furnished unless indispensable to the particular major or minor unit courses prescribed by the Veterans Administration as essential to accomplishing the selected employment objective, and such items are otherwise furnishable under applicable Veterans Administration regulations on supplies. Such items will not be furnished for elective courses.

§ 21.241 Furnishing special equipment.

(a) Special equipment made up of items which, because of the nature of the veteran's handicap, are necessary to enable him to undertake and pursue successfully the prescribed course of training may be furnished. This is equipment which will enable the veteran to accomplish those things which persons not disabled are able to do without special equipment but which the particular veteran, because of his disability, cannot do and therefore cannot pursue the prescribed course satisfactorily. Equipment in this category ordinarily will be items not necessary to persons not disabled but may include such items modified in design and construction as, for example, a workbench with work seat especially designed and constructed to compensate the veteran's inability to move about freely.

(b) Special equipment not required for training purposes but necessary to overcome the handicap of blindness as contemplated in Chapter 17, section 614, will be furnished under that chapter rather than under Chapter 31.

(c) Consumable supplies may be furnished as needed for training purposes in the operation of special equipment, such as sound recorders and braille writers. The amount, grade and quality of such consumable supplies will be limited to the veteran's actual need for the supplies in his training. Sound recording discs may be reconditioned and reissued when it is to the economic advantage of the Government.

§ 21.243 Release of and repayment for training supplies.

(a) Supplies furnished a veteran are deemed released to him and should not be marked to indicate ownership by the United States.

(b) A veteran will not be required to pay for consumable supplies where he fails to complete his course of vocational rehabilitation. Nor will the veteran be required to pay for nonconsumable supplies unless it be determined that his failure was because of fault on his part. In making such determination, the veteran will be given the benefit of any reasonable doubt.

(c) Whether or not the veteran is found to be at fault, he will not be required to repay the Veterans Administration for supplies furnished him at Veterans Administration expense when:

(1) He was pursuing his course at a school which recovers nonconsumable supplies from veterans through contractual arrangements with the Veterans Administration and the veteran returned to the school all the nonconsumable supplies furnished him at Veterans Administration expense; or

(2) He has reentered or is known to be in the process of reentering the Armed Forces;

(3) He completed satisfactorily one-half or more of the prescribed course (or term where applicable in the case of school training) for which the supplies were furnished;

(4) He certifies that he is using the supplies furnished him at Veterans Administration expense in employment;

(5) The value of the supplies is less than $10, or

(6) He dies while in training or in training interrupted status.

(d) The veteran will be deemed to have failed to complete his course because of fault on his part when:

(1) He withdraws from his course at the request of the institution;

(2) He abandons his training without prior or concurrent notice to the Veterans Administration;

(3) His course is discontinued by the Veterans Administration because of unsatisfactory conduct or progress, or both;

(4) His failure to complete the course is due to his negligence or misconduct; or

(5) He abandons his training after pursuing his course for less than 3 months, or less than one-half of the prescribed duration of the course, whichever is the lesser period.

(e) Where it is determined that the veteran is at fault and repayment for supplies is not excused, he will be required to repay the Veterans Administration for nonconsumable supplies furnished him at Veterans Administration expense. The amount to be repaid will be the value at which the supplies were issued to the veteran less a percentage equivalent to the percentage of the prescribed course (or term, where applicable in the case of school training) completed. For example, a veteran who has completed one-third of the prescribed course or term for which supplies were furnished will be required to repay two-thirds of the value at which the supplies were issued to him. Supplies will not be accepted in lieu of repayment, except when the Veterans Administration has authorized a change of objective or the veteran fails to complete a course of training in the home and he has supplies or special equipment to which he is not entitled.

(f) If for any reason the veteran fails to complete the prescribed course of training in the home for which equipment has been furnished to equip his home as a place of training, he will be required to return such equipment to the Veterans Administration or to pay the reasonable value thereof; except, if the veteran has completed such part of his training that he is employable and has been declared rehabilitated, or he has been placed in "entitlement expired" status and there is an agreement whereby some other responsible agency or individual will provide the remaining amount of training necessary to restore employability he will not be required to return such equipment or to pay the reasonable value thereof. The veteran will be advised accordingly. For any special equipment furnished to the veteran to compensate for the handicapping effects of his disability, a separate finding will be made whether failure was due to fault on his part.

SUPERVISION OF THE INDIVIDUAL VETERAN

§ 21.245 General.

Supervision of the disabled veteran will consist of the professional and technical assistance needed by the veteran in pursuing vocational rehabilitation training and adjusting in employment. This supervision will include arranging for services and assistance such as needed medical and dental attention, assistance of the social worker, personal adjustment counseling, employment placement assistance by the State employment service and, in fact, everything

possible to assure vocational rehabilitation in a complete and real sense.

§ 21.250 Adjustments in the training situation.

There must be continuous awareness of the veteran's progress toward satisfactory vocational rehabilitation. At frequent intervals it must be determined whether he is progressing satisfactorily and whether he will be employable upon completion of his course.

(a) Whenever it becomes clear that completion of the course will not make the veteran employable, corrective action should be taken so his training will make him employable, or it is definitely determined that he cannot be made employable through any course of vocational rehabilitation which is available.

(b) When a veteran indicates dissatisfaction with his course of vocational rehabilitation or when the training institution recommends a change or discontinuance of the veteran's course, the instructor or faculty adviser of the veteran should be contacted. Through him arrangements should be made for a personal discussion with the veteran and an appropriate representative of the institution, individually or jointly, to effect, if possible, a satisfactory correction of the difficulty. This may be done through a minor adjustment in the course or an adjustment on the part of the veteran as to attitude, performance, etc. All possible cooperation should be given to the institution to accomplish the adjustment of the veteran in the training situation. The trainer or instructor should be assisted in understanding the need for any special procedures which may be necessary due to the particular disability of the veteran. If the dissatisfaction or difficulty cannot be corrected through minor adjustment, then there should be a change of training institution, change of the veteran's employment objective, referral of the veteran to the Vocational Rehabilitation Board, or other appropriate action.

§ 21.252 Change of employment objective.

(a) A veteran once inducted into training ordinarily will be expected to pursue his training program to completion without changing his employment objective insofar as it is desirable for him to do so. A change of employment objective will be authorized only under one of the following conditions:

(1) It is determined that continuance or reentrance of the veteran in training for the present objective will result in failure to accomplish bona fide vocational rehabilitation for reasons not within the veteran's control;

(2) Although the veteran could continue and complete successfully the training for his present objective, the period of time required to complete training for the objective he desires will not exceed that required to complete training for his present objective and it is determined through counseling that the desired objective is more in keeping with his interests and aptitudes; or

(3) Although the veteran could successfully complete training for his present objective in less time than the period of time required to complete training for the objective he desires, his case meets one of the following conditions:

(i) the experience of the veteran and his performance in training have demonstrated that his aptitudes and interests or physical capacities are at considerable variance with the evaluation of his aptitudes and interests or physical capacities which was made at the time the present objective was selected and approved, and had current evidence about the veteran then been available the desired objective would have been approved if selected by the veteran, and

(*a*) The total period of vocational rehabilitation training time will not exceed the maximum of 48 months, nor will the aggregate amount of vocational rehabilitation training together with training provided under Chapter 33, exceed the maximum amount of training time permissible in combination under Chapters 31 and 33, and

(*b*) The change of objective is approved by a committee composed of the Chief, Vocational Rehabilitation and Education Division, a designated representative of the Education and Training activity, and a designated representative of the Counseling activity, or

(ii) The veteran agrees to pursue independently of the Veterans Administration a portion of the training for the desired objective sufficient to enable him to complete the training for the desired objective in no greater period of time than completion of the training for his present objective would require and it is determined through counseling that the desired objective is more in keeping with the veteran's interests and aptitudes. Where the change of objective is approved under this condition, the veteran will be informed that upon completing the necessary portion of his training independently of the Veterans Administration he will be reentered into training, provided, in the meantime, his disability rating is not reduced to less than compensable, and the service connection of his disability has not been severed.

(b) A change of employment objective will not be approved where a veteran's disability rating has been reduced to less than a compensable degree. Nor will a veteran be permitted to commence training for a new employment objective after his disability rating has been so reduced.

(c) Where a veteran's disability compensation has been suspended by reason of his failure to report for a physical examination, a change of employment objective will not be approved unless and until the veteran has reported for the required physical examination and has been assigned a disability rating of compensable degree.

(d) Where a change of employment objective is authorized, the veteran will be required to return or repay for nonconsumable supplies furnished at Veterans Administration expense for the previous employment objective which are not required for pursuit of training for the new objective.

§ 21.253 Additional considerations incident to supervision.

When a veteran needs advice or assistance in matters concerning other services of Veterans Administration which affect directly or indirectly the success of vocational rehabilitation, such assistance as is appropriate and feasible shall be given. Any information or services given shall be based upon and in accordance with the appropriate following paragraphs:

(a) *Medical services for veterans pursuing vocational rehabilitation training.* (1) A veteran pursuing vocational rehabilitation training is entitled to such of the following kinds of treatment as may be medically determined necessary to prevent interruption of training or to hasten return to training of a veteran in interrupted or leave status when a cessation of instruction has become necessary because of illness or injury:

(i) Emergency hospitalization,

(ii) Hospital observation and physical examination,

(iii) Hospital treatment,

(iv) Outpatient treatment, and

(v) Furnishing and repair of orthopedic and/or prosthetic appliances.

(2) A veteran pursuing vocational rehabilitation training is entitled to dental examination and treatment, determined necessary to prevent interruption of training or to hasten return to training of a veteran in interrupted or leave status when a cessation of instruction has become necessary because of the condition requiring the dental treatment. The type and extent of dental treatment will be as determined by a dental officer of the Veterans Administration. All such dental treatment is subject to the provisions of Veterans Administration medical procedures.

(3) Transportation incident to medical services furnished to veterans will be supplied at Veterans Administration expense under the provisions, and subject to the limitations of applicable Veterans Administration regulations and procedures.

(b) *Loans from vocational rehabilitation revolving fund.* (1) A veteran is eligible for loans upon establishing need for vocational rehabilitation and agreement as to the course of training.

(2) No advancement from the revolving fund of more than $100 shall be made at one time, and in no case shall the total outstanding advancements exceed $100. Advancements to be made in multiples of $10 shall be made only upon a showing of necessity and then only to the extent of such need. No interest will be charged on the funds advanced, and no additional advancement shall be made to a veteran until the money previously advanced has been repaid in full, except in meritorious cases.

(3) The Finance Officer will accept the recommendation of the designated officer in the vocational rehabilitation activity unless information is of record indicating that such a recommendation should not be accepted. However, there will be no deviation from the recommendation of the designated officer in the Vocational Rehabilitation and Education Division without prior consultation with that officer.

§ 21.254 Effect of strikes on status of veterans pursuing vocational rehabilitation.

A veteran who is prevented from pursuing training because of a strike against his place of training, shall be placed in another suitable place of training if possible whenever it seems that the strike will not be resolved within a reasonable period of time. When another suitable place of training cannot be arranged or when it seems that the strike will be resolved within a reasonable length of time, the veteran may be granted ordinary leave which can be approved. If ordinary leave is found to be inadequate in the individual case, consideration should be given to granting hardship leave.

VOCATIONAL REHABILITATION BOARD

§ 21.256 Types of cases to be referred to the Vocational Rehabilitation Board by education and training activity.

(a) Cases of veterans will be referred to the Vocational Rehabilitation Board for determination as to the medical feasibility of beginning, continuing or reentering training when:

(1) Medical feasibility for training is questionable, and the medical condition of the veteran is other than temporary in nature; or

(2) The veteran in discontinued status with a finding of general medical infeasibility requests reentrance into training.

(b) The case of a veteran in one of the following classifications will be referred to the Vocational Rehabilitation Board for consideration and recommendation:

(1) A seriously handicapped veteran whose training is not proceeding satisfactorily and the attendant conditions present problems of required adjustment on the part of the veteran or the training facility, or both, which the education and training activity has been unable to solve through the usual resources;

(2) A veteran whose reentrance into training after rehabilitation is being considered and advice from the Vocational Rehabilitation Board is desired in determining whether his disability precludes performance of the duties of the occupation for which vocational rehabilitation training was provided.

LEAVES OF ABSENCE

§ 21.260 Introduction.

A veteran in a course of vocational rehabilitation may be granted leave of absence where such leave will not materially interfere with the pursuit of his course.

§ 21.261 Ordinary leave.

Ordinary leave will accrue at the rate of 2½ days per month during the entire time the veteran is in training status, including that time during which he is on approved leave of absence. Leave will not be accumulated to an amount in excess of 30 days. Accumulated leave will not be forfeited through interruption of training and may be carried over from one period of training to another and from one 12 successive months period of training to another. Similarly, where reentrance into training after rehabilitation or discontinuance is authorized, unused accumulated ordinary leave may be recredited to the veteran's account upon reentrance into training.

(a) *Granting of ordinary leave.* Ordinary leave of absence may be approved which will not exceed the amount of leave accumulated to the credit of the veteran and which in no case will exceed an aggregate of 30 days in each 12 months of training status, beginning with the date of the veteran's entrance into training when:

(1) The granting of such leave will not materially interfere with the pursuit of the prescribed course, and

(2) Except where the training establishment is not operating full time no ordinary leave will be granted which will require extending the veteran's training beyond 48 months, or further extending the training where in excess of 48 months already has been authorized.

(b) *Charging of ordinary leave.* Approved absences covering a period less than the standard school or work week of the training institution or establishment will be charged at the rate of 1 day for each school or working day of absence from the institution. Approved absences covering a period of 1 calendar week or more will be charged at the rate of 5 days for each 7 consecutive days of absence. No charge against leave will be made for absences on those days within a period of training on which the school or training establishment grants total exemption from attendance to all students or trainees similarly circumstanced.

(1) For veterans enrolled in educational institutions, leave will not be charged for school holidays and short intermissions between successive terms or periods of instruction within the ordinary school year, provided the veteran was enrolled for the two successive terms. "Ordinary school year" means a period of approximately 9 months which begins in the fall and ends in the spring.

(2) For veterans pursuing on-the-job training, no charge will be made for holidays established by Federal or State law but a charge will be made for periods during which vacations are granted to all employees at the same time; or periods during which the plant is shut down to undergo repairs or because of such things as fuel shortages, strikes, inclement weather, et cetera.

(3) For veterans pursuing institutional on-farm training, leave will not be charged for routine absences from the farm required in the ordinary day-to-day conduct of the farm business or for absences from that part of an institutional on-farm course which is given at the educational institution. However, absences which materially interfere with the pursuit of the course or prevent the veteran from receiving the required amount of instruction will be cause for interruption or discontinuance of training.

§ 21.262 Additional leave under exceptional circumstances.

Leave of absence in addition to ordinary leave may be approved under the following conditions, provided it is reasonably certain that the veteran will return to the pursuit of his course not later than the close of the period for which leave is approvable.

(a) *Personal illness.* When required by reason of bona fide illness of the veteran, sick leave, without regard to ordinary leave, may be granted not to exceed a total of 30 days in each 12 months of training status beginning with the date of the veteran's entrance into training. Sick leave will be charged to include all of the elapsed time from the beginning of absence from training until the veteran returns to training, including Saturdays, Sundays, and holidays, except where the veteran returns on the first day training is available following a weekend or holiday when training was not available. For example, sick leave will not be charged for a weekend or holiday where the veteran is absent on Friday and returns on Monday following the weekend when training was not available.

(b) *Personal hardship.* (1) After all accrued ordinary leave has been exhausted, additional leave, not to exceed 30 days in each 12 months of training status beginning with the date of the veteran's entrance into training, may be granted for reasons other than personal illness, when failure to do so would cause personal hardship to the veteran. Satisfactory reasons under this category might include illness or death in the veteran's immediate family or other compelling conditions beyond the veteran's control which, in the opinion of the Veterans Administration, make it necessary that the veteran be permitted to absent himself from training. Personal hardship leave will not be granted to cover periods between ordinary school years.

(2) After all accrued ordinary leave has been exhausted, additional sick leave not to exceed 30 days in each 12 months of training status may be granted when it is clear that it could not have been foreseen that the illness would require more than the amount of sick leave which was first approved and when there is clear indication that training will be resumed within the additional period. The basic 30 days' sick leave, together with ordinary leave, generally should be a sufficient allowance for personal illness. A greater period of absence from training ordinarily would interfere with the course.

(3) In no case shall any combination of sick leave, personal hardship leave and additional sick leave, be granted in excess of 60 days during a 12-months period of training. Such leave will be charged to include all of the elapsed time from the beginning of absence from training to the return of the veteran to training, including Saturdays, Sundays, and holidays, except where the veteran returns on the first day training is available, following a weekend or holiday when training was not available, leave will not be charged for such weekend or holiday.

§ 21.262a Leave where training establishment not operating full time.

Ordinary leave not in excess of the amount of leave accumulated to the credit of the veteran and personal hardship leave may be granted for any pe-

riod of time during which full-time training on the job is not available because the training establishment is operated on a part-time basis or is shut down temporarily when:

(a) It is determined that full-time training will be available within a period of time not to exceed the amount of leave approvable; or

(b) It is determined that the training establishment is operating for approximately the same number of days per month as similar establishments in the general area.

For the purpose of this section, a 5-day week will be considered full time except that full-time training shall be not more than the number of days per week established as the standard workweek for the particular establishment through bona fide collective bargaining between the employers and employees. Also, for the purpose of this section, leave will be charged for each day or fraction thereof on which the establishment is shut down during the standard workweek except that no leave will be charged for legal holidays. When leave under this section is exhausted, subsistence allowance will be deducted for those nonholidays on which the establishment is not operating during the standard workweek. Days for which subsistence allowance is deducted will not be charged against the veteran's time in training.

§ 21.263 Maximum leave allowable.

Leave in excess of that authorized will not be approved. Whenever, in an individual case, it becomes evident that the veteran will not be able to resume his training course upon the expiration of the period of leave authorizable, the veteran will be removed from training status.

§ 21.264 Leave following effective date of rehabilitation.

Inasmuch as a veteran is not considered to be pursuing a course of vocational rehabilitation during the 2 months following the effective date of rehabilitation, leave may not be granted during that period even though subsistence is paid. In no case shall the date of rehabilitation be extended beyond the date of the completion of the veteran's course of training for the purpose of allowing the veteran to use his accumulated ordinary leave.

§ 21.265 Unauthorized absences.

Veterans should be instructed that they will be expected to apply for and obtain approval for leave of absence in advance. However, when a veteran has absented himself from his place of training under conditions which make his obtaining advance approval from the Veterans Administration impracticable, and when the responsible officials of the establishment and the Veterans Administration agree that the absence has not materially interfered with the course of training, the absence may be excused and proper charges made against the veteran's leave. When such absence from training is not satisfactorily explained, such action as is deemed necessary will be taken, including forfeiture of subsistence allowance for the period of absence.

TRAVEL OF VETERANS

§ 21.266 Intraregional travel of veterans.

A veteran may be provided transportation at Government expense within the regional territory of jurisdiction when it has been determined that such travel is necessary in the discharge of the Government's obligation to the veteran and he is instructed to perform travel for any of the following purposes:

(a) To report to the chosen school or training facility for the purpose of starting training;

(b) To report to a prospective employer-trainer for an interview prior to induction into training where there is definite assurance in advance of approving the travel that, upon interview, the veteran will be started in training if he is found by the employer-trainer to be acceptable;

(c) To report to the chosen school for personal interview prior to induction into training where the school requires such an interview as a condition of admission. There must be assurance in advance of approving the travel that the veteran's records (school, counseling, etc.) show he meets all basic requirements for entrance and that he has submitted to the school a transcript of his high school credits and a transcript from any school he attended following high school;

(d) To return to his bona fide home from the place of training when training cannot be provided for a period of 30 calendar days or more, provided transportation from his home to the place of training was at Government expense. This will include summer vacation periods when training is not available. It will not include periods when suitable training is available but the veteran elects to interrupt training to return to his home. Where a veteran is authorized under this paragraph to travel at Veterans Administration expense, return transportation from the veteran's home to the place of training for the purpose of continuing training also may be authorized;

(e) To return to the point from which he was transported at Veterans Administration expense, upon being placed in status "discontinued" for any reason except fraud on the part of the veteran, or because he abandoned training without good reason. Where a veteran is placed in status "discontinued" because he abandoned training, travel at Veterans Administration expense to return from the place of training to the point from which the veteran was transported may be authorized if it is determined that the veteran abandoned training for reasons beyond his control;

(f) To report to a place of prearranged satisfactory employment upon completion of vocational rehabilitation for the purpose of beginning work;

(g) To return to his bona fide home from the place of training when, upon completion of vocational rehabilitation, satisfactory employment is not available;

(h) To report to a place to take a scheduled examination in the trade or profession for which he has been trained when the passing of such an examination is necessary to practice his occupation. Such transportation shall be limited to points within the State in which the veteran has pursued his training or, if the veteran returned to the State from which he was sent to pursue training, he may be sent at Government expense to a place within that State to take the examination. If there is more than one place at which the examination may be taken, transportation shall be limited to the nearest place;

(i) To return from the place of training to the place from which he came when:

(1) Travel to the place of training at Government expense was approvable but the necessary travel authorization was not issued; or

(2) The veteran is continuing pursuit of training under Chapter 31 which he commenced under Chapter 33 and he would have been entitled to transportation at Government expense to the place of training had he commenced training under Chapter 31.

§ 21.267 Interregional transfers for vocational rehabilitation.

Transfer of a veteran to accomplish vocational rehabilitation may be authorized to the jurisdiction of other regional offices at Government expense when any such transfer is necessary. Transfer at Government expense will be authorized for any one of the following purposes:

(a) To enter training in another regional office area when an adequate facility is not available in the regional office area where the veteran lives. Such a transfer will be limited to the nearest satisfactory training facility except that where regional territorial lines do not coincide with State borderlines, transfers may be effected at Government expense to induct the veteran into training in any satisfactory training facility located within the State of the veteran's residence, despite the existence of satisfactory training facilities within the regional territory;

(b) To return the veteran from the place of training to his bona fide home within the regional office territory from which he was transferred at Government expense to pursue training when training cannot be provided for a period of 30 calendar days or more. This will include summer vacation periods when training is not available. It will not include periods when suitable training is available but the veteran elects to interrupt training to return to his home. When a veteran is authorized to travel to his home at Government expense, return transportation at Veterans Administration expense to the place of training for the purpose of continuing training also may be authorized;

(c) To return to the point from which he was transferred at Government expense to pursue training upon having his training discontinued, except when training is discontinued because of fault on the part of the veteran or he abandons training without good cause;

(d) To report to a place of prearranged satisfactory employment to begin work following completion of his

course of vocational rehabilitation when there is no satisfactory opportunity for employment in his occupation within the regional territory of his residence, or when such a transfer will be to the definite advantage of the Government;

(e) To return to his bona fide home within the regional territory from which he was transferred at Government expense to pursue training, when upon completion of his course, satisfactory employment is not available;

(f) To return from the place of training to the regional office territory from which he came when:

(1) Transfer to the place of training at Government expense was approvable but the necessary travel authorization was not issued; or

(2) The veteran is continuing pursuit of training under Chapter 31 which he commenced under Chapter 33 and he would have been transferred at Government expense to the place of training had he commenced training under Chapter 31.

§ 21.268 Interregional transfers not at Government expense.

A veteran may transfer for his own convenience to attend a training facility other than one located in the State or the regional territory of his residence upon his written request. Any such transfer will not be at the expense of the Government:

(a) A transfer will be for the convenience of the veteran when:

(1) There is a satisfactory facility within the veteran's regional territory or State; or

(2) The nearest satisfactory facility is in another regional territory; and

(3) The veteran wishes training elsewhere because of a personal preference for such things as a particular climate or university.

(b) After a veteran is transferred for his own convenience, the expense to the Government of any additional transfer to a satisfactory facility will not be in excess of that which would have been necessary to transfer the veteran to a satisfactory facility originally.

§ 21.274 Authorization for travel for attendants.

(a) The services of an attendant to accompany a veteran while he is traveling for vocational rehabilitation purposes may be provided when such services are necessitated by the severity of the disability of the veteran.

(b) Persons not in regular civilian employment of the Federal Government may be authorized to act as attendants and will be furnished common-carrier transportation, meal and lodging requests, or, in lieu thereof, will be granted a mileage allowance. Such persons will be paid a fee, except when they are relatives of the veteran. A relative, for this purpose, means a spouse, parent, son or daughter, brother or sister, uncle or aunt, niece or nephew, by blood or marriage. Persons in the regular civilian employment of the Federal Government may be authorized to act as attendants and, when so assigned, will be entitled to transportation and expenses. They may be allowed per diem in lieu of subsistence in accordance with the provisions of Standardized Government Travel Regulations. No fee will be paid to civilian employees of the Federal Government who act as attendants.

TUTORING AND READER SERVICE

§ 21.278 Tutoring.

Tutoring at Government expense may be provided when, for a veteran to be successfully rehabilitated, there is need for special assistance beyond that given to other students pursuing the same or comparable courses. Ordinarily, the selected employment objective should be one which the veteran may attain successfully by pursuing the course by the method of instruction to other students following the same course. As a general principle, therefore, private tutoring at Government expense should be authorized only in exceptional cases. For example, a veteran may need the services of a tutor in order to make up work because of illness or unavoidable absence from class, or to enable him to make up specified prerequisites without unnecessary delay.

§ 21.279 Reader service.

(a) Reader service necessary for the successful pursuit of a course of vocational rehabilitation by a veteran with visual impairment, may be furnished when:

(1) The vision of a veteran in school training is so impaired as to make it impossible or inadvisable for him to use his eyes for reading; or

(2) The visual impairment of a veteran in training on the job where study is required in connection with his training is such that need for reader assistance is established.

(b) A veteran considered to have visual impairment necessitating reader service will include:

(1) One whose best corrected vision is 20/200 or less in both eyes;

(2) One whose central vision is greater than 20/200 but whose field of vision is limited to such an extent that the widest diameter of a visual field subtends an angle no greater than 20 degrees; or

(3) One with impaired vision, whose condition or prognosis indicates that the residual sight will be affected detrimentally by the use of his eyes for reading.

(c) The functions of a reader should be more than simply to read mechanically. His services should serve a twofold purpose:

(1) To read printed material with a degree of intelligence commensurate with the importance of the subject matter;

(2) To test the veteran's understanding of what has been read.

(d) The number of hours of service in each case will be determined by the amount of reading necessitated by the course. Reader service is not permissible for reading into a recording machine not in the veteran's presence for the purpose of making sound recordings of textbook material for his later use. If advance recording of textbooks is desired, the recording service should be obtained through free service offered by volunteer organizations serving that need.

TERMINATION OF TRAINING

§ 21.280 Categories.

Terminations of training are classified in four categories: rehabilitated, interrupted, discontinued, and entitlement expired.

§ 21.281 Status "rehabilitated".

(a) A veteran shall be considered employable and declared "rehabilitated," as soon as any one of the following conditions occurs:

(1) The veteran has completed the prescribed course of training, or it is determined the course is longer than necessary and the veteran has completed a sufficient portion of the course to establish clearly that he is employable as a trained worker in his selected occupation. The effective date of rehabilitation will be the day following the day of completion of the prescribed course or the day following the last day of training, whichever is appropriate.

(2) The veteran, while in training status or while properly in interrupted status, accepts employment in the same occupation for which he is being trained or in an occupation for which the training received has contributed materially toward rehabilitation, his earnings approximate those of the average trained worker in the occupation, and the employment is not incompatible with his disability. The effective date of rehabilitation will be the day following the last day of instruction.

(3) The veteran whose training has been interrupted after taking a required examination for license to practice his occupation, has passed the examination. The effective date of rehabilitation will be the day following completion of the examination or the day following completion of the course, whichever is later.

(4) The veteran satisfactorily completes a prescribed course of vocational rehabilitation for an occupation the practice of which requires the passing of an examination for licensure and chooses to apply for licensure in a State other than the one in which he pursued his training, or one that he specified at the time he entered training. Under such circumstances, the veteran will be considered to have completed the training necessary to qualify him for employment and the matter of his becoming licensed will not be the responsibility of the Veterans Administration. The effective date of rehabilitation will be the day following the day of completion of the prescribed course.

(5) The veteran satisfactorily completes a prescribed course of vocational rehabilitation for an occupation the practice of which requires the passing of an examination for licensure but is unable to take the licensure examination prior to the termination date for vocational rehabilitation training. Under such circumstances, the veteran will be considered to have completed the training necessary to qualify him for employment and the matter of his becoming licensed will not be the responsibility of the Veterans Administration. The effective date of rehabilitation will be the day following the day of completion of the prescribed course.

(b) The veteran's training was discontinued for reasons other than fraud or severance of service connection, and investigation discloses that he has accepted employment in an occupation for which the training contributed materially toward employability, and medical or other acceptable evidence indicates that the employment is of a kind which to pursue full time would be not incompatible with his disability. The veteran will be placed in status "rehabilitated" effective on the day following the last day of instruction or on the day following the last day of leave, whichever is applicable. In such cases, the veteran shall not receive written notice of rehabilitation and shall not be paid subsistence allowance for the 2 months following determination of employability. This action is for record purposes only, and the veteran's reentrance into training will not be jeopardized by this recording, where reentrance is later found warranted.

(c) A veteran will revert to status "rehabilitated" when his application for reentrance into training following rehabilitation has been approved, but after being properly notified that suitable training is available for him and instructed as to the next step he should take, he

(1) Fails to respond;

(2) Declines or refuses reentrance into training;

(3) Defers reentrance into training for a period exceeding 30 days beyond the scheduled date of reentrance, except where such deferment is due to physical incapacity or other conditions of personal and compelling nature;

(4) Fails to report and fails to furnish satisfactory reasons for not reporting after receiving notice to report at a designated place and time to recommence training; or

(5) Commences or continues to pursue education or training under Chapter 33.

§ 21.282 Status "interrupted."

A veteran once inducted into training will be expected to pursue his training program to completion without interruption insofar as it is possible for him to do so. Wherever possible, continuous training shall be provided for all veterans, including training during the summer, except where, because of the veteran's physical condition or other good reason, it would not be to his best interest to require him to pursue training during the summer. The effective date of interruption will be the day following the last day of attendance or the day following the last day of approved leave, when training is interrupted by the Veterans Administration for one of the following reasons:

(a) Training is temporarily not available as, for example, during vacation periods, short "shutdown" periods, et cetera;

(b) Extended personal illness when all leave which may be granted under leave regulations has been exhausted and there is every expectation that the veteran will resume training;

(c) Any other absences from training approved by the Veterans Administration where it is clearly indicated that the veteran will return to training and there is no basis for discontinuance;

(d) The veteran completes the prescribed course of vocational rehabilitation for an occupation, the practice of which requires passing of an examination for license and such examination is not given on or before the day following the completion of the course or on or before the day following the last day of approved leave; except where the veteran declines to take the examination in the State for which he was trained, or he is unable to take the licensing examination prior to his termination date;

(e) The veteran has completed his course and has taken a required examination for license to practice the occupation for which he has been trained, and the results of the examination are not available on the day following completion of the examination; or

(f) The veteran withdraws from training to reenter active military service.

§ 21.283 Status "discontinued."

(a) A veteran shall be placed in status "discontinued" effective on the day following the last day of instruction or, where leave was authorized after the last day of instruction, on the day following the last day of leave when it is clearly determined that any one of the following conditions exists:

(1) All reasonable efforts have failed to train the veteran to the point of employability;

(2) Competent medical examination reveals that the veteran will be absent from training to undergo hospital or home treatment for an indefinite period, and the veteran will not be able to return to training within a reasonable period of time;

(3) The veteran fails to cooperate with the Veterans Administration in making necessary adjustment in his program of vocational rehabilitation, including refusal to participate in revaluation procedure;

(4) Action has been suspended on revaluation because of noncooperation on the part of the veteran;

(5) The veteran fails to avail himself properly of the training provided as follows: His misconduct prevents progress toward his employment objective or ultimate placement in employment. He willfully violates the regulations of the institution or establishment in which placed for training, or his conduct is insubordinate or disorderly at any place of training. He voluntarily withdraws from training for reasons other than physical condition or excused interruptions. He leaves the area and has his records transferred to another regional office without having made prior arrangements with the Veterans Administration for the continuation of his vocational rehabilitation training in the new area of jurisdiction;

(6) It is established that the determination of eligibility or need for vocational rehabilitation is based on fraud, error of law, confusion of names, or misfiling of papers, or that the veteran never had a service-connected disability, or that fraud was practiced in any application for training or for subsistence allowance.

(7) The veteran in status "interrupted" after being properly notified that suitable training is available for him and instructed as to the next step he should take:

(i) Fails to respond;

(ii) Declines or refuses reentrance into training;

(iii) Defers reentrance into training for a period exceeding 30 days beyond the scheduled date of reentrance, except where such deferment is due to physical incapacity or other conditions of personal and compelling nature;

(iv) Fails to report and fails to furnish the Veterans Administration satisfactory reasons for not reporting after receiving notice to report at a designated place and time to commence training; or

(v) Commences or continues to pursue education or training under Chapter 33.

(8) The veteran in status "interrupted" while back in military service is released from service and fails for a period of more than 60 days to apply for reentrance into training.

(b) A veteran in status "discontinued" after having his application for reentrance into training approved, and being properly notified that suitable training is available for him and instructed as to the next step he should take will revert to discontinued status when he:

(1) Fails to respond;

(2) Declines or refuses reentrance into training;

(3) Defers reentrance into training for a period exceeding 30 days beyond the scheduled date of reentrance, except where such deferment is due to physical incapacity or other conditions of personal and compelling nature;

(4) Fails to report and fails to furnish the Veterans Administration satisfactory reasons for not reporting after receiving notice to report at a designated place and time to commence training; or

(5) Commences or continues to pursue education or training under Chapter 33.

(c) In all cases of discontinuance of training, the facts, together with evidence justifying the discontinuance, shall be ascertained and recorded.

§ 21.284 Status "entitlement expired".

A veteran shall be placed in status "Entitlement Expired" on the day following his termination date under the law when he is properly in training or in interrupted status on his termination date.

REENTRANCE INTO TRAINING

§ 21.286 Reentrance after rehabilitation.

When, subsequent to an official declaration of rehabilitation, a veteran whose disability rating has not been reduced to less than a compensable degree, requests further training, the declaration of rehabilitation may be canceled and the veteran reentered into training if it is determined that:

(a) The declaration of rehabilitation is no longer valid because, although at the time of the declaration the veteran was able to function satisfactorily in the occupation for which he was trained,

current facts, including Veterans Administration medical findings, show that, in the meantime, the veteran's service-incurred disability has worsened to the extent that the disability precludes his performing the duties of the occupation for which he was trained;

(b) The declaration of rehabilitation was not valid at the time it was made because the training given was inadequate to render the veteran employable in the occupation for which he pursued training; or

(c) The declaration of rehabilitation was not valid because subsequent experience has demonstrated that employment in the objective for which the veteran was trained could not reasonably have been expected and such employment is not now available.

§ 21.287 Reentrance after interruption.

(a) A veteran who has been properly placed in "interrupted" status and presents himself for reentrance into training at the appointed time, will be reentered into training even though there has been a reduction in his disability rating to less than a compensable degree during the period of interruption.

(b) A veteran whose training was interrupted to await the time of licensure examination will be reentered for the time required to take the examination but not for the time required to receive the report of results of the examination.

(c) A veteran in "interrupted" status who fails to report for reentrance at the appointed time will be handled in accordance with the principles governing reentrance into training after discontinuance.

(1) If the veteran has a compensable disability resulting from service during the Korean Conflict, he will be referred to Counseling to determine whether need exists as a result of that disability. If need is found to exist it will be determined whether the previous objective is suitable. If not, a suitable objective will be selected and the veteran will be entered into training under the policy governing vocational rehabilitation training of veterans of the Korean Conflict. If the veteran does not have, or need is not established as a result of, a compensable disability incurred in or aggravated by Korean service, he will be reentered into training for the program from which he was interrupted when he returned to service.

(2) If the time required to determine whether the veteran has a compensable disability, or whether there is need for training based on his Korean service, will cause an undue delay in reentering training—for example, cause the veteran to miss the beginning of a term or semester—he may be reentered into training on the basis of need established for his World War II service pending a determination of entitlement based on his Korean service. Then, if he is found entitled as a result of his Korean service, his case will be processed under the policy governing vocational rehabilitation for such service.

§ 21.288 Reentrance after discontinuance.

When a veteran whose training was discontinued, applies for reentrance into training, reentrance will be accomplished when:

(a) The reasons for discontinuance have been removed;

(b) The veteran still has a disability rating of a compensable degree; and

(c) Need for vocational rehabilitation is reestablished. Where the veteran has been in "discontinued" status to undergo medical treatment for an indefinite period and he applies for reentrance within 30 days of the date he is able to resume training as determined by competent medical examination, need will be considered to be established and he will not be referred to Counseling unless there exists some other compelling reason for such referral.

ASSISTING VETERANS IN OBTAINING EMPLOYMENT

§ 21.290 Veterans Administration responsibility.

The primary responsibilty of the Veterans Administration in its vocational rehabilitation program is to restore employability lost by virtue of the handicap of a service-incurred disability—to fit the disabled veteran for employment consistent with the degree of disablement. The best proof that employability has been restored is a showing that the veteran actually has been placed in suitable employment. To accomplish this:

(a) Every training program will have as its goal the actual employment of the veteran in the selected employment objective.

(b) Services of the appropriate State employment agency will be used to the fullest extent possible in assisting rehabilitated veterans to obtain suitable employment upon completion of their prescribed courses. Not less than 60 days prior to the anticipated date of rehabilitation it will be ascertained whether the veteran needs and desires employment assistance. If he desires such assistance, he will be referred to the appropriate employment agency. If he does not desire assistance in obtaining employment, he will not be referred to the employment agency and his records will be documented accordingly.

(c) Direct employment placement assistance will be provided in cooperation with the State employment agency, for those veterans who may be expected to encounter difficulty in obtaining suitable employment. If by the date of rehabilitation the veteran has not been employed or assured of employment, every reasonable effort to get the veteran employed will be continued until the veteran is suitably placed or until it is determined that all resources available to the regional office have been fully explored and developed and that there is little likelihood that continued efforts will result in placement.

(d) In order to assure that the vocational rehabilitation benefits afforded the disabled veteran are as effective as possible, followup assistance will be provided after the veteran obtains employment in each case where, on the basis of knowledge of the veteran and understanding of his needs and problems, it is determined that such assistance is required. Followup assistance will include the observing of the veteran's performance in competitive employment and will be continued for a period of time necessary to determine that there is reasonable assurance that he has made a satisfactory employment adjustment.

(e) Where the seriously handicapped veteran who has been rehabilitated and suitably employed, loses his employment through no fault on his part, further employment placement assistance, in cooperation with the State employment service will be provided.

§ 21.291 Assisting a disabled veteran in obtaining sheltered employment.

When it is determined that the limiting effects of the veteran's disability are such that he cannot engage in or be trained for competitive employment, and training for sheltered employment is not required; the training officer will provide employment placement assistance needed by the veteran to find a suitable job in a sheltered employment environment.

COMBINATION OF TRAINING UNDER MORE THAN ONE PROGRAM

§ 21.296 Combination of vocational rehabilitation training for disabilities incurred in or aggravated by World War II and Korean Conflict service.

(a) *General.* Combination vocational rehabilitation training for a disability of the Korean Conflict following vocational rehabilitation training for a disability of World War II, will be approved when the veteran is determined to be entitled to and in need of vocational rehabilitation for the Korean Conflict disability. An objective will be selected which capitalizes to the fullest extent practicable the course previously pursued for the World War II disability.

(b) *Where the training pursued as a result of the World Wor II disability was prior to the date of the veteran's first notice of disability from service in the Korean Conflict for which compensation was payable.* In such case vocational rehabilitation training to the extent necessary to accomplish vocational rehabilitation will be provided notwithstanding training received to overcome the handicap of his World War II disability.

(1) Where a veteran has been reentered into training to complete the vocational rehabilitation needed to overcome the handicap of the disability of his World War II service at a time when he had no compensable disability for Korean service, but is later rated for a compensable disability for his Korean service, it will be determined whether need exists as a result of his Korean service disability:

(i) If need is found to exist, it will be determined whether the previous objective is suitable, considering the new disability. If not, a suitable objective will be selected. In either case a vocational rehabilitation program will be provided under the policy and limitations governing vocational rehabilitation for the disability of Korean service.

(ii) If it is determined that the veteran is not in need of training by reason of the disability incurred in Korean service, he will be continued in vocational rehabilitation training to overcome the handicap of his World War II disability.

§ 21.297 Vocational rehabilitation under Chapter 31 following education of Korean Conflict veterans under Chapter 33.

(a) A veteran with basic eligibility under Chapter 31, who continues to pursue for more than 60 days, enters, or resumes training under Chapter 33 after he is offered a counseling appointment to determine whether he is in need of vocational rehabilitation, will be limited to a total period of training under both Chapters 31 and 33 which will not exceed 48 months, unless his case meets one of the following:

(1) The veteran's period of entitlement ends at such time that he is permitted to complete an unexpired quarter, semester, or other portion of his course, after the expiration of his period of entitlement, in accord with the policy on extending entitlement for unexpired term, et cetera under Chapter 33; or

(2) Vocational rehabilitation training in excess of four years would have been authorized for him in accord with the policy governing training in excess of four years, had the veteran chosen vocational rehabilitation training when he became eligible for it. In any such case, the aggregate training under Chapter 31 and Chapter 33 may not exceed the amount of training that would have been authorized under Chapter 31.

(b) In any case where training cannot be completed within the time specified in paragraph (a) of this section, the veteran will be informed that his application cannot be approved but will be reconsidered if he pursues, independently of the Veterans Administration, a sufficient portion of the course to enable him to complete the remainder within the applicable time limitations specified in paragraph (a) of this section. Where the veteran signifies that he will pursue such portion of the course independently of the Veterans Administration, he will be advised that when he has completed a sufficient portion of the course on his own, upon request, he will be entered into training under Chapter 31 to complete the remainder of the course if he still has a service-connected compensable disability. Such advice will be confirmed by letter to the veteran.

(c) Except in those cases where the provisions of paragraph (a) of this section are applicable, when a veteran, while in training or during a period of interruption for a valid reason under Chapter 33, becomes eligible under Chapter 31 and is determined to be in need of vocational rehabilitation, there shall be prescribed and provided whatever course of vocational rehabilitation is needed to restore his employability notwithstanding any education or training he may have received under Chapter 33. If the course of vocational rehabilitation alone will require more than 48 months, the case must be processed under the "conditions for approval of training in excess of 4 years."

4. In Subpart A, delete §§ 21.700 through 21.735 and add §§ 21.700 through 21.735 to read as follows:

§ 21.700 Counseling disabled veterans.

(a) Counseling will be provided each disabled veteran who has basic eligibility for and is interested in vocational rehabilitation. The principal purpose of counseling will be to assist each veteran who needs vocational rehabilitation to select and plan for the achievement of a suitable vocational objective. Counselors will apply approved counseling principles and techniques in accordance with professional standards and practices.

(b) Counseling will be provided by Counseling Psychologists (Vocational Rehabilitation and Education) or Psychologists (Vocational Adviser-Personal Counselor) to assist a veteran in overcoming problems of personal adjustment which are such as to interfere with his achieving, or deriving maximum benefit from, vocational rehabilitation. Such assistance will be provided whenever needed prior to entering training, while pursuing training, or while being assisted in making a satisfactory employment adjustment following a period of training.

(c) Each seriously handicapped veteran eligible for vocational rehabilitation who is homebound or hospitalized will be provided such counseling service as may be found appropriate to his physical or mental condition by a vocational rehabilitation and education counselor through visits to his home or through conferring with his hospital counselor on liaison visits.

§ 21.701 Determination of need for vocational rehabilitation.

(a) A veteran having basic eligibility for whom training is found medically feasible may be afforded training if he is found in need of vocational rehabilitation to overcome the handicap of a service-connected disability. Need will be held to exist unless there is convincing evidence that one of the conditions set forth below exists:

(1) The veteran is employed in a suitable occupation.

(2) The veteran is employable in a suitable occupation.

(3) Although the veteran is not employed or training for employment in a suitable occupation, the service-connected disability causes no limitations on his potential employability.

(4) Although a veteran, who was stably employed in a suitable occupation subsequent to separation from the Armed Forces, has lost his employability because of nonservice-connected disease or injury, such loss of employability is not related to his service-connected disability.

(b) For purpose of this section, an occupation will be considered suitable for a veteran when it meets the following criteria:

(1) The occupation is one which is pursued by workers in the locality where the veteran resides; and

(2) The veteran can meet the requirements of the occupation with no greater likelihood of aggravating the disability and with no greater limitation in the pursuit of the occupation by reason of the disability than would occur in other appropriate occupations for which training might be authorized; and

(3) The occupation is one in which a trained worker normally pursues employment and earns a livelihood over a considerable period of his life; and

(4) Job requirements are such that a period of training (over and beyond vestibule training) is required to secure and hold employment in it; and

(5) Even though subparagraphs (3) and (4) of this paragraph are not met, the occupation is one in which the veteran is already performing, or may reasonably be expected to perform in accordance with his capacity, and it is concluded that further training will not improve his employability.

(c) Authority to make determinations as to need for vocational rehabilitation is delegated to vocational rehabilitation and education counselor personnel. When a counselor determines that a veteran is not in need of vocational rehabilitation, the veteran will be informed of his right to appeal the decision.

§ 21.705 Noncooperation of disabled veterans.

When a disabled veteran fails or refuses to cooperate in the counseling process to the extent required to determine need for vocational rehabilitation or medical feasibility of training, or refuses to select an employment objective which is considered suitable for vocational rehabilitation purposes, action will be suspended on his application until his cooperation can be obtained. The veteran will be informed of the reason for the suspension and of his right of appeal.

§ 21.711 Redeterminations as to need.

(a) *Prior to induction into training.* When a determination has been made that a disabled veteran needs vocational rehabilitation this decision will not be changed unless there is (1) unmistakable error of fact or law; or (2) there is new and material evidence which justifies a change. This will apply to determinations made by vocational rehabilitation and education counselors while on authorized liaison visit to a Veterans Administration hospital as well as to determinations made at other Veterans Administration counseling locations. When a veteran requests induction into vocational rehabilitation training after having declined such training, or after a determination was made that he did not need such training, a redetermination as to need will be made in order to consider whether conditions basic to such determination have changed.

(b) *After induction into training.* (1) A redetermination as to need for vocational rehabilitation will be made when the education and training activity refers a veteran who has requested further training after discontinuance or after a declaration of rehabilitation.

(2) A redetermination as to need for vocational rehabilitation will not be made because of a change in compensation rating, including a reduction to zero percent, while the veteran is pursuing vocational rehabilitation training.

§ 21.712 Revaluation; additional counseling.

Additional counseling will be provided when a veteran is referred for revaluation because there is reason to question the suitability of the chosen employment objective, or for other counseling assistance. When a new objective is to be selected the conditions and criteria for approving a change of objective contained in Veterans Administration regulations will be observed. A redetermination as to need for vocational rehabilitation will not be made for a veteran referred for revaluation while in training or while in training interrupted status.

§ 21.715 Vocational rehabilitation of seriously handicapped veterans.

(a) It is the policy of the Veterans Administration to bring all applicable specialized resources effectively to bear upon the vocational rehabilitation of seriously handicapped veterans. To this end, each regional office will utilize the services of staff specialists of the nearest Department of Medicine and Surgery clinic or hospital as well as of the Vocational Rehabilitation and Education Division. Accordingly, there is established in each regional office a Vocational Rehabilitation Board to be appointed by the manager and comprised of a member of the vocational rehabilitation and education counseling staff, as chairman; a member of the education and training staff; a medical consultant to the Vocational Rehabilitation and Education Division; and a member of the social service staff. Other Department Medicine and Surgery staff specialists will participate as consultants in individual cases whenever the board has need of their services.

(b) The board, operating as a coordinated team, will be responsible for the following functions as appropriate in the case of a referral made by the counseling activity or the education and training activity:

(1) Make a determination as to the medical feasibility of training.

(2) Formulate a program for utilizing available resources to improve the veteran's condition where temporary or indefinite medical infeasibility is found, for purpose of enabling the veteran to undertake or reenter training as soon as possible.

(3) Provide assistance in the development of an effective vocational rehabilitation plan for a veteran for whom training is found to be medically feasible.

(c) When medical infeasibility is found by the board, further action regarding vocational rehabilitation will be suspended until there is sufficent improvement in the veteran's condition to warrant referral to the board for reconsideration as to the medical feasibility of training. The activity which made the referral will inform the veteran or his designated representative of such suspension, and of the right of appeal. When medical infeasibility is considered temporary or indefinite the activity which made the referral will diary the case for follow-up by staff personnel to ascertain whether the veteran's condition has improved to an extent which warrants referral to the board for further consideration.

§ 21.716 Determining whether medical infeasibility prevented timely entrance into or completion of training for vocational rehabilitation.

The Vocational Rehabilitation Board will determine whether a veteran was prevented from timely entering or timely completing vocational rehabilitation training because of his physical or mental condition. If the board's findings show that an extension of the period for pursuit of training may not be approved, the activity which made the referral will inform the veteran of the decision and of his right to appeal.

§ 21.720 Counseling during the 60-day period following reduction of disability rating to less than compensable degree.

When a veteran loses basic entitlement to vocational rehabilitation due to severance of service connection or reduction of his disability rating to less than compensable degree he may not be provided counseling, unless he has entitlement to training under Chapter 33, Title 38, United States Code, or Part VIII, Veterans Regulation 1(a). This will apply even though the veteran may continue to receive compensation for a period of 60 days. Counseling will not be precluded, however, where a reduction in rating to less than compensable degree is scheduled for a specified future date, if a compensable rating will continue for more than 60 days beyond the date of rating.

§ 21.728 Travel expenses for counseling purposes.

When a disabled veteran having basic eligibility for vocational rehabilitation is requested to report to a designated place for counseling, including personal adjustment counseling, travel to and from the place of counseling will be at government expense. Payment of travel expense will be made either on the basis of actual necessary expense of transportation, meals and lodging or as an allowance based upon the mileage traveled. When a veteran because of a severe disability requires the services of an attendant while traveling, payment of travel expenses for the attendant is authorized on the same basis as for the veteran.

§ 21.730 Counseling veterans under Part VIII, Veterans Regulation 1(a), as amended.

(a) Counseling is required under Part VIII, Veterans Regulation 1(a), as amended, to determine whether a request for a change of course may be approved under Veterans Administration regulations. Upon referral of a veteran for counseling, approval will be given under the following conditions:

(1) If he has not passed his delimiting date for initiating a course and it is found that a different course which he may reasonably be expected to pursue successfully will assist him more effectively in attaining a suitable educational, professional, or vocational objective.

(2) If he has passed his delimiting date, is misplaced or has made unsatisfactory progress in his previously chosen course, and a different course is considered more in keeping with his needs, aptitudes, and interests, and more likely to assist him in attaining a suitable educational, professional or vocational objective, or there are other cogent reasons for a change of course.

(b) Counseling, including assistance with personal problems, will be provided upon request to a veteran who is entitled to initiate training or to pursue further training under Veterans Administration regulations.

(c) Travel at Government expense to and from the place of counseling may be authorized when counseling is required by the Veterans Administration.

§ 21.735 Counseling services on contract basis.

(a) *Authorization.* Managers of regional offices are authorized to negotiate and approve contracts with educational institutions and other approved agencies for the purpose of providing services relating to the counseling of persons who are eligible for vocational rehabilitation (Chapter 31), or for educational assistance (Chapters 33 and 35 and Part VIII, Veterans Regulation 1 (a)), and to establish the rates of payment which are just and reasonable.

(b) *Veterans Administration guidance centers.* A decentralized location where services related to counseling are provided under contract to supplement the counseling services available in regional offices will be designated a Veterans Administration guidance center. A vocational rehabilitation and education counselor will be assigned to represent the Veterans Administration at each Veterans Administration guidance center. Seriously handicapped veterans for whom medical and allied services or action by the Vocational Rehabilitation Board may be required will not be assigned for counseling at guidance centers.

(72 Stat. 1114; 38 U.S.C. 210. Interpret or apply 72 Stat. 1171; 38 U.S.C. ch. 31)

These regulations are effective March 19, 1959.

[SEAL] ROBERT J. LAMPHERE,
Assistant Deputy Administrator.

[F.R. Doc. 59-2345; Filed, Mar. 18, 1959; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6476]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

St. Regis Paper Co. et al.

Subpart—*Combining or conspiring:* § 13.400 *To discriminate or stabilize prices through basing point or delivered price systems;* § 13.430 *To enhance, maintain or unify prices.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, St. Regis Paper Company (New York, N.Y.) et al., Docket 6476, February 12, 1959]

In the Matter of St. Regis Paper Company, a Corporation; Bemis Brothers Bag Company, a Corporation; Arkell & Smiths, a Corporation; Chase Bag Company, a Corporation; Thomas Phillips Company, a Corporation; Raymond Bag Company, a Corporation; Universal Paper Bag Company, a Corporation; Hudson Pulp & Paper Corporation, a Corporation; National Container Corporation, a Corporation; International Paper Company, a Corporation; Fulton Bag and Cotton Mills, a Corporation; Albemarle Paper Manufacturing Corporation, a Corporation; Ames-Harris-Neville Company, a Corporation; Crown-Zellerbach Corporation, a Corporation; Gilman Paper Company, a Corporation; Seaboard Bag Corporation, a Corporation; Lone Star Bag and Bagging Co., a Corporation; Union Bag and Paper Corp., a Corporation; Virginia-Carolina Chemical Corporation, a Corporation; Chemical Packaging Co., a Corporation; Equitable Paper Bag Co., a Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging 21 of the nation's leading paper bag manufacturers—alleged to account for substantially all the more than two billion annual production of multi-wall paper shipping sacks—with using the same pricing formula to quote identical delivered prices to customers regardless of location or freight costs involved.

After acceptance from 17 respondents of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on February 12 the decision of the Commission.

Charges of the complaint were dismissed as to two respondents and are pending as to the remaining two.

The order to cease and desist is as follows:

It is ordered, That respondent corporations St. Regis Paper Company, Bemis Bros. Bag Company, Arkell & Smiths, Chase Bag Company, Universal Paper Bag Company, Hudson Pulp & Paper Corp., National Container Corporation, International Paper Company, Albemarle Paper Manufacturing Company, Ames Harris Neville Company, Crown Zellerbach Corporation, Gilman Paper Company, Seaboard Bag Corporation, Lone Star Bag & Bagging Company, Union Bag-Camp Paper Corporation, Virginia-Carolina Chemical Corporation, and Chemical Packaging Corporation, and their respective officers, agents, and employees, in or in connection with the offering for sale, sale and distribution of multi-wall paper shipping sacks in interstate commerce, do cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, agreement, understanding, combination or conspiracy between and among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following things:

1. Establishing, fixing or maintaining prices, terms, or conditions of sale for multi-wall paper shipping sacks, or adhering to any prices, terms or conditions of sale so established or fixed.

2. Quoting or selling multi-wall paper shipping sacks at prices calculated or determined pursuant to or in accordance with a formula zone delivered price system or any other plan or system which prevents purchasers from securing any advantage in price in dealing with one or more of the respondents as against any of the other respondents or any others not parties hereto.

3. Circulating or exchanging between or among respondents, or any of them, a formula for pricing of multi-wall paper shipping sacks, or price factors, or terms or conditions of sale for the pricing of multi-wall paper shipping sacks, or a list or lists of zone delivered prices or of prices by any other designation for multi-wall paper shipping sacks, or zone differentials or changes of zone differentials.

4. Using, directly or indirectly, in computing price quotations, or in making, quoting or in charging prices, any such formula or price factor or zone differential obtained from another respondent by means of such circulation or exchange: *Provided, however,* That in interpreting and construing the foregoing provisions of this order, it is understood that:

(1) The Federal Trade Commission is not acting to prohibit, or interfere with, any respondent from entering into a bona fide offer, agreement or transaction with any other manufacturer, wholesaler, jobber or agent for the sale of multi-wall paper shipping sacks, whether or not such other manufacturer, wholesaler, jobber or agent is a respondent, to buy from, to sell to, or to manufacture for the account of any such other manufacturer, wholesaler, jobber, or agent multi-wall paper shipping sacks at any price or on any terms and conditions of sale independently determined and offered and independently accepted in any bona fide agreement or transaction.

(2) Nothing contained in this order shall be construed as prohibiting any of the respondents from taking such action relating to its export sales as would be lawful under the provisions of the Webb-Pomerene Export Trade Act.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents St. Regis Paper Company, Bemis Bro. Bag Company, Arkell & Smiths, Chase Bag Company, Universal Paper Bag Company, Hudson Pulp & Paper Corp., National Container Corporation, International Paper Company, Albemarle Paper Manufacturing Company, Ames Harris-Neville Company, Crown Zellerbach Corporation, Gilman Paper Company, Seaboard Bag Corporation, Lone Star Bag & Bagging Company, Union Bag-Camp Paper Corporation, Virginia-Carolina Chemical Corporation, and Chemical Packaging Corporation, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 12, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-2333; Filed, Mar. 18, 1959; 8:46 a.m.]

[Docket 6555]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Renaire Corp. (Pennsylvania) et al.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Personnel or staff; qualifications and abilities; § 13.20 *Comparative data or merits;* § 13.85 *Government approval, action, connection or standards:* Inspection.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Renaire Corporation (Pennsylvania), et al., Springfield, Pa., Docket 6555, February 12, 1959]

In the Matter of Renaire Corporation (Pennsylvania), a Corporation, Renaire Corporation, (Washington, D.C.), a Corporation, Renaire of South Delaware, Inc., a Corporation, Renaire Corp. of Wilmington, a Corporation, Renaire of Maryland, Inc., a Corporation, Renaire of New Jersey, Inc., a Corporation, Renaire Corp. of Delmont, a Corporation, Renaire of Allentown, Inc., a Corporation, Renaire of Philadelphia, Inc., a Corporation, Renaire Corp. of Lancaster, a Corporation, Renaire of South Jersey, Inc., a Corporation, Leonard S. Cohen, Joseph Sherwood, Samuel Saler, Morton Saler, Harold B. Saler, William Speckman, Bertram P. Schrank, and Jules Hecht, Individually and as Officers of Said Corporations as Hereinafter Described

This case was heard by a hearing examiner on the complaint of the Commission charging an eleven-company corporate family engaged in the sale of home freezers and foods under its so-called "Renaire Plan", with representing falsely in advertising in newspapers, by radio and television, etc., that participants in its said "Plan" could buy a freezer and food for the same amount as would be required to buy the same quantity of food in regular retail channels, and save enough to pay for a television set, vacation, or freezer, remodel a home, or buy an auto; with describing sales personnel as "expert food analysts", "accredited food budget analysts", or "trained qualified food consultants"; and with representing falsely that other food sellers did not sell Government inspected meats, that each carton of food they sold carried a United States De-

partment of Agriculture seal, and that they could control the cost of food because it was inspected by U.S. inspection officials.

Following proceedings in due course, the hearing examiner made his initial decision, including findings of fact, conclusions, and order to cease and desist, from which counsel for both parties filed cross-appeals. After hearing the matter, the Commission on February 12 directed modification of the initial decision and adoption of the initial decision as so modified as the decision of the Commission.

The order to cease and desist, substituted by the Commission, is as follows:

It is ordered, That respondents, Renaire Corporation (Pennsylvania), a corporation, Renaire of South Delaware, Inc., a corporation, Renaire Corp. of Wilmington, a corporation, Renaire of Maryland, Inc., a corporation, Renaire of New Jersey, Inc., a corporation, Renaire Corp. of Delmont, a corporation, Renaire of Allentown, Inc., a corporation, Renaire of Philadelphia, Inc., a corporation, Renaire Corp. of Lancaster, a corporation, Renaire of South Jersey, Inc., a corporation, and their officers, and respondents, Leonard S. Cohen, Joseph Sherwood, Samuel Saler, Morton Saler, Harold B. Saler, William Speckman and Bertram B. Schrank, individually and as officers of said corporations as set forth in the findings herein, and Renaire Corporation (Washington, D.C.), a corporation, and its officers, and respondents, Bertram Schrank, Joseph Sherwood, and Harold B. Saler, as officers of said corporation, and respondent, Jules Hecht, individually and as an officer of said corporation, and respondents' agents, representatives and employees directly or through any corporate or other device in connection with the offering for sale, sale or distribution of foods and freezers in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the terms "expert food analyst", "accredited food budget analyst", "trained qualified food consultant" or any other term or terms denoting expertness in referring to their salesmen or saleswomen;

2. Representing directly or by implication:

(a) That their customers or participants in their plan will have the services of an expert in planning their food purchases;

(b) That other sellers of food do not sell government inspected meat;

(c) That each carton or package of food sold by them or any of them carries a United States Department of Agriculture inspection label;

(d) That having their food inspected by United States inspection officials enables them to control the cost of food.

(e) That a participant is able to obtain a freezer and a supply of food for the same amount of money as would be required to obtain the same quantity of food if purchased in regular retail channels.

(f) That a participant is able to save enough to (1) pay for a television set, (2) remodel a home, (3) pay for a vacation, (4) buy an automobile, or (5) pay for a freezer.

3. Misrepresenting in any manner the savings afforded to respondents' purchasers.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondents named in the preamble of the order to cease and desist shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with said order to cease and desist.

Issued: February 12, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-2334; Filed, Mar. 18, 1959; 8:46 a.m.]

[Docket 7215]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Hudson House, Inc., et al.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2(a): § 13.710 *Cash discounts;* §13.715 *Charges and price differentials;* [*Discriminating in price under section 2, Clayton Act, as amended*]—Payment or acceptance of commission, brokerage, or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U.S.C. 13) [Cease and desist order, Hudson House, Inc., et al., Portland, Oreg., Docket 7215, February 12, 1959]

In the Matter of Hudson House, Inc., a Corporation, Gray & Company, a Corporation, Robert A. Hudson, Sr., Individually, and as President of Hudson House, Inc., Francis T. Rowell, Individually, and as First Vice President of Hudson House, Inc. and Vice President of Gray & Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a large packer and wholesaler of foods and its subsidiary manufacturer of bakery and fountain supplies in Portland, Oreg., with discriminating in price in violation of the Clayton Act by such practices as charging certain favored buyers from 2 percent to 18 percent less for maraschino cherries than their competitors and also giving the former a 2 percent discount for cash while the latter received only 1 percent, thus violating section 2(a); and by granting 2½ percent to 3 percent discounts in lieu of brokerage to certain direct buyers purchasing for their own accounts, in violation of section 2(c).

Following acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which, with slight modification, became on February 12, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Hudson House, Inc., a corporation, and Gray & Company, a corporation, their officers, respondent Robert A. Hudson, Sr., individually and as president of Hudson House, Inc., and Francis T. Rowell, individually and as first vice president of Hudson House, Inc., and vice president of Gray & Company, their representatives, agents and employees, directly or through any corporate or other device in connection with the sale of maraschino cherries, other brine cherry products, olives, jams, jellies, mincemeat, or other bakery or fountain supplies in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

(1) Discriminating directly or indirectly in price by selling any of said products of like grade and quality to any purchaser at a price which is lower than the price charged any other purchaser who in fact competes with the favored purchaser in the resale and distribution of respondents' said products;

(2) Paying, granting, or allowing, directly or indirectly, to any buyer, or to any one acting for or in behalf of, or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of their said products to such buyer for his own account.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents, Hudson House, Inc., and Gray & Company, corporations, Robert A. Hudson, Sr., individually and as president of Hudson House, Inc., and Francis T. Rowell, individually and as first vice president of Hudson House, Inc., and vice president of Gray & Company, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in the aforesaid initial decision as amended.

Issued: February 12, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-2335; Filed, Mar. 18, 1959; 8:47 a.m.]

Title 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—ALASKA COMMERCIAL FISHERIES

REVISION OF REGULATIONS

Basis and purpose. Section 1 of the Act of June 6, 1924 (43 Stat. 464), as amended by the Act of June 18, 1926 (44

Stat. 752; 48 U.S.C. 221), provides that for the purpose of protecting and conserving the fisheries of the United States in all waters of Alaska the Secretary of the Interior from time to time may set apart and reserve fishing areas in any of the waters of Alaska over which the United States has jurisdiction, and within such areas may establish closed seasons during which fishing may be limited or prohibited as he may prescribe. The Act cited further provides that under the authority to limit fishing in any area so set apart and reserved the Secretary may (a) fix the size and character of nets, boats, traps, or other gear and appliances to be used therein; (b) limit the catch of fish to be taken from any area; and (c) make such regulations as to time, means, methods, and extent of fishing as he may deem advisable.

In accordance with the proviso to paragraph (e), section 6, of the Act of July 7, 1958 (72 Stat. 339), providing for the admission of the State of Alaska into the Union, the Act of June 6, 1924, as amended, and other existing laws providing for the administration and management of the fish and wildlife resources of Alaska were continued in effect for administration by the Federal Government until the first day of the first calendar year following the expiration of ninety legislative days after the Secretary of the Interior certifies to the Congress that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of said resources.

By a Notice published in the FEDERAL REGISTER on November 14, 1958 (23 F.R. 8874), the public was informed that the Secretary of the Interior intended to adopt amendments to existing regulations governing fishing for or taking species of commercial fish and shellfish in the waters of Alaska. Interested persons were invited to participate in the adoption of amendments to the regulations by presenting their views, data, or arguments in writing to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington 25, D.C., on or before December 31, 1958, or by presenting their views orally or in writing at a series of open discussions scheduled to be held on certain dates in Seattle, Washington, and in Juneau and Anchorage, Alaska. By a document published in the FEDERAL REGISTER on November 26, 1958 (23 F.R. 9144) the time for submitting views, data, or arguments in writing to the Director, Bureau of Commercial Fisheries, was extended to allow such submission on or before January 22, 1959, and the list of places at which public discussions were to be held on proposed amendments to the regulations was expanded to include a number of additional locations in Alaska.

One of the most important issues raised by the proposal to amend these regulations is the issue presented by the proposal to prohibit, beginning in 1959, the use of fish traps in Alaskan waters, except those operated by Indian tribes or villages in certain waters. The proposal to prohibit the use of fish traps in Alaskan waters beginning in 1959, with an exception in behalf of certain Indian tribes or villages was included on the agenda for the hearings held in accordance with the Notice published on November 14, 1958, as modified by the document published on November 26, 1958.

It has been determined that the use of fish traps as a means of taking salmon in Alaskan waters shall be permitted only at not to exceed the eight sites customarily operated within the Annette Island Fishery Reserve; not to exceed the nine sites customarily operated by the organized Village of Kake; and not to exceed the four sites customarily operated by the Angoon Community Association. Within the limitations stated, the number of Indian traps to be permitted to operate will be determined from time to time by the Secretary of the Interior. Because of the relatively poor salmon runs expected in Southeastern Alaska during the 1959 cycle, and the need for insuring the escapement of adequate spawning stocks, it has been determined that only eleven of the twenty-one Indian traps can be permitted to operate during the 1959 season.

Careful consideration having been given to all relevant matters submitted orally and in writing as a result of the Notice of Proposed Rule Making, and it having been determined that a revision of the regulations under Subchapter F is necessary and desirable for the purpose of protecting and conserving the commercial fisheries resources of Alaska, the regulations under Subchapter F are revised in their entirety as set forth below.

This revision shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Dated: March 7, 1959.

FRED A. SEATON,
Secretary of the Interior.

Part

PART 101—DEFINITIONS

Sec.

AUTHORITY: §§ 101.1 to 101.22 issued under sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221.

§ 101.1 Meaning of terms, abbreviations, and symbols.

For the purpose of the regulations in this part the terms, abbreviations, and symbols used in Subchapter F, unless required otherwise by the context, shall be as hereafter defined in this part. All regulations in Parts 101 through 130, except those under the headings "Personal Use Fishery," shall apply only to commercial fishing or operations.

§ 101.2 Bureau.

The Bureau of Commercial Fisheries, United States Fish and Wildlife Service.

§ 101.3 Species of commercial fish.

All those fishes in both fresh and salt water not declared to be game fishes by the Alaska Game Law and which are subjected to commercial fishing and which shall include but not be limited to the following species:

Albacore (Germo alalunga).
Cod (Gadus macrocephalus).
Dogfish (Squalus suckleyi).
Eulachon (Thaleichthys pacificus).
Halibut (Hippoglossus stenolepis).
Herring (Clupea harengus pallasi).
Lingcod (Ophiodon elongatus).
Rockfish (all species of the genera Sebastodes and Sebastolobus).
Sablefish (Anoplopoma fimbria).
Salmon:
- Chum (Oncorhynchus keta).
- Coho (Oncorhynchus kisutch).
- King (Oncorhynchus tshawytscha).
- Pink (Oncorhynchus gorbuscha).
- Red (Oncorhynchus nerka).

Sheefish (Stenodus leucichthys).
Sole and Flounders (all species of the family Pleuronectidae).
Whitefish (all species of the genus Coregonus).

§ 101.4 Species of commercial shellfish.

All those marine species of mollusks and crustaceans which are subjected to commercial fishing and which shall include but not be limited to the following species:

Abalone (species of the genus Haliotis).
Clam:
- Butter (Saxidomus giganteus).
- Razor (species of the genus Siliqua).
- Little Neck (Protothaca staminea).
- Cockle (Clinocardium nuttalli).

Crab:
- Dungeness (Cancer magister).
- King (species of the genus Paralithodes).
- Tanner (Chionoecetes bairdi).

Oysters, Pacific (Crassostrea gigas).
Shrimp (species of the genera Pandalus, Pandalopsis and Crangon).

§ 101.5 Commercial fishing.

The taking or attempting to take of any species of fish or shellfish for the purpose of sale or barter or for ultimate use as an integral part of any economic enterprise. The taking of fish or shellfish for use as bait in commercial fishing operations shall be regarded as commercial fishing, as shall also be the taking

of fish for use as feed for fur-bearing animals.

§ 101.6 Personal use fishing.

The taking or attempting to take of any species of fish or shellfish for purposes other than for sale or barter. Personal use includes dog feed.

§ 101.7 Commercial fisherman.

Any person who owns or operates any boat or fishing gear registered in accordance with § 102.2 of this subchapter.

§ 101.8 Person.

Any person, firm, corporation, or association.

§ 101.9 Run.

Any aggregation of a single species of fish having common limiting characteristics of space or time during the course of their migrations.

§ 101.10 Take.

The aggregate catch of a single species of fish or shellfish captured within specific common limits of space or time.

§ 101.11 Gear.

Any type of fishing apparatus.

§ 101.12 Legal gear.

That gear described in § 101.14 and no modifications in design or manner of operation which permits or assists in operating a particular form of gear in a manner contrary to its basic design are permitted.

§ 101.13 Legal limit of fishing gear.

The maximum aggregate of a single type of fishing gear permitted to be used by one individual or boat, or combination of boats, in any particular regulatory area, district, or section.

§ 101.14 Types of legal gear.

(a) *Trap.* Any fixed device operated for the purpose of or resulting in the impoundment of live salmon.

(b) *Gill net.* Any net primarily designed to catch fish by entanglement in the mesh and consisting of a single sheet of webbing hung between cork and lead lines and fished from the surface of the water. The term "stretched measure" shall be deemed to be the average of the longer distances between diagonally opposite knots in any series of ten meshes stretched when wet after use under 5 pounds of tension applied to each mesh.

(c) *Set net.* Any gill net that has been set, staked, anchored, or otherwise fixed.

(d) *Drift net.* A free floating gill net.

(e) *Purse seine.* Any floating net designed to surround fish and which can be closed at the bottom by means of a free-running line through rings attached to the lead line.

(f) *Beach seine.* Any seine not capable of being pursed as described in paragraph (e) of this section.

(g) *Troll.* Lines with lures or baited hooks which are drawn through the water.

(h) *Fish wheel.* A fixed, rotating device driven by river current.

(i) *Trawl.* Any bag-shaped net towed through the water to capture fish or shellfish.

(j) *Pot.* An enclosure for retaining captured shellfish alive in the water.

(k) *Ring.* Mesh suspended from a circular frame.

(l) *Long line.* A stationary buoyed or anchored line with lures or baited hooks attached.

(m) *Shovel.* A hand-operated implement for digging clams or cockles.

(n) *Mechanical clam digger.* Any mechanical device used or capable of being used for the taking of clams.

§ 101.17 Depth of net.

The perpendicular distance between cork line and lead line expressed as either linear units of measure or as a number of meshes, including all of the web of which the net is composed.

§ 101.18 Authorities.

(a) *Secretary.* The Secretary of the Department of the Interior.

(b) *Director.* The Director of the Bureau of Commercial Fisheries.

(c) *Regional Director.* The Regional Director of the Bureau of Commercial Fisheries for Alaska.

§ 101.19 Local representative.

The nearest or most accessible officer of the Bureau of Commercial Fisheries, or any person designated by the Regional Director of the Alaska Region to perform specific functions of the Bureau.

§ 101.20 Waters of Alaska.

For the purpose of the regulations in this part, the term "waters of Alaska" north and west of the International Boundary at Dixon Entrance are defined as including those extending three miles seaward (a) from the coast, (b) from lines extending from headland to headland across all bays, inlets, straits, passes, sounds and entrances and (c) from any island or groups of islands, including the islands of the Alexander Archipelago, and the waters between such groups of islands and the mainland.

§ 101.21 Abbreviations and symbols.

(a) a.m. and p.m. indicates standard time antemeridian and postmeridian, respectively.

(b) The symbols °, ′, and ″ shall indicate degrees, minutes, and seconds, respectively, of longitude or latitude, based on the North American datum of 1927.

(c) Lat. and long. shall indicate latitude and longitude, respectively.

(d) E. indicates east, N. indicates north, W. indicates west, and S. indicates south.

§ 101.22 Bag limit.

Maximum take permitted per person per day for personal use.

PART 102—GENERAL PROVISIONS

GENERAL

HERRING FISHERY

SHELLFISH FISHERY

MODIFICATION OF RESTRICTIONS

AUTHORITY: §§ 102.1 to 102.99 issued under sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221.

§ 102.1 License required of salmon net fishermen.

(a) No person shall fish for, assist in fishing for, or be a member of a crew fishing for salmon, for commercial purposes, with any form of net in any of the waters of Alaska without first having obtained a license from a local representative of the Bureau. Such license shall be valid:

(1) Upon completion of a full and accurate application on a form furnished for that purpose.

(2) For the calendar year of issuance.

(3) Within any single registration area (as set forth in § 102.2) of his choice, the code letter of which shall appear on the face of the license, and for no other: *Provided,* That upon request, the Regional Director may permit the license to be transferred to another registration area for good cause shown, but only after a determination by him, in each case, that such transfer will not jeopardize proper conservation of the salmon runs in the second area. Such transfer, when granted, shall automatically invalidate the license in the previously designated area.

(b) No person shall obtain, or attempt to obtain, more than one license during any calendar year.

(c) Licenses shall be kept immediately available at all times during fishing operations and shall be shown upon request to any authorized representative of the United States Fish and Wildlife Service or of the United States Coast Guard.

§ 102.2 Registration of fishing boats and gear.

Except as hereinafter provided, no boat nor unit of fishing gear shall be used in commercial fishing unless and until it shall have been properly registered with a local representative of the Bureau for the initial registration area of intended operation (as hereinafter defined) in accordance with provisions of this section. Any person desiring to register any boat or unit of fishing gear shall furnish to the said local representative full and accurate information as to the size, type, and identity of boat, number of fishermen in crew, description of

gear, and the fishery (salmon, herring, crab, etc.) in which such gear and boat is intended to be used. A Bureau registration number shall be assigned to each boat and unit of fishing gear.

(a) Each salmon fishing net and each boat intended to be used with such net shall be registered not later than 30 calendar days prior to the opening of the fishing season. No salmon fishing net registered for one registration area may thereafter be used in any other registration area during that calendar year, nor may any boat registered to fish for salmon with a net or nets in one registration area be used to fish for salmon with a net or nets in any other registration area during that calendar year: *Provided,* That late registration or transfer of registered nets or boats to another registration area may be permitted by the Regional Director upon a determination that (1) conservation of the salmon runs will result therefrom, or (2) conservation of the salmon runs will not be adversely affected and such a transfer is justified upon the grounds of hardship or for other valid reasons.

(b) All other fishing gear and boats shall be registered for the calendar year at any time prior to use in commercial fishing in the registration area of intended operation. Prior to transfer to another registration area, intention to transfer shall be reported to the local representative of the Bureau: *Provided,* That this section shall not apply to fishing gear or boats used solely in fishing for halibut.

(c) Each registration area shall be assigned a code letter. Registration areas are defined as follows:

Code letter: *Registration area*
- A= Southeastern Alaska area.
- D= Yakutat area and Yakataga district of the Bering River-Yakataga area.
- E= Prince William Sound area; Copper River area; Bering River-Yakataga area.
- H= Cook Inlet area; Resurrection Bay area.
- K= Kodiak area.
- M= Aleutian Islands area; Alaska Peninsula area; Chignik area.
- T= Bristol Bay area; and after July 31, the Northeast district of the Alaska Peninsula area.
- Y= Yukon district of the Arctic area.

(d) Evidence of proper registration shall be kept immediately available at all times during fishing operations and shall be shown upon request to any authorized representative of the United States Fish and Wildlife Service or the United States Coast Guard.

(e) Registration plates shall be displayed in a prominent place on the port side of the boat. Permanent identification plates and annual validating tabs will be provided free. Lost plates must be reported immediately and will be replaced at a charge of $5.00 upon application to the Regional Director.

§ 102.3 Identification of stationary fishing gear.

All persons, companies, or corporations owning, operating, or using any set net or fish wheel shall place in a conspicuous place on or near said set net or fish wheel the name of the person, company, or corporation owning, operating, and using same, together with a permanently assigned Bureau registration number. Numbers shall be at least 6 inches in height with lines at least 1 inch wide and shall be painted in black on a white background.

§ 102.4 Reports required of operators.

Each buyer or processor of fish or shellfish shall, each season:

(a) Furnish to the local representative of the Bureau, prior to operating in any regulatory fishing area, a written statement of intention to operate and a description of the nature, extent, and location of the operation.

(b) Report all individual receipts of fish and allied data as required by the Director of the Bureau or his authorized representative.

(c) Submit report of operations on statistical forms provided for that purpose at the close of the season. Reporting responsibility, where in question, rests with the final buyer or dealer who handles the fish within the State.

(d) Report, for statistical purposes, immediately in detail any disposition of fish or shellfish not processed within the statutory 48-hour time limitation.

(e) Any report required by this section must be complete and accurate. Records must be maintained at least one year after all required reports have been furnished to the Bureau.

§ 102.5 Inspection of fishery establishments.

For purposes of inspection, representatives of the Department shall have at all times free and unobstructed access to all canneries, salteries, and other fishing establishments, and to all hatcheries.

§ 102.6 Explosives and poison prohibited.

The use of any explosive or poison in the taking or killing of fish or shellfish is prohibited.

§ 102.7 Driving salmon downstream prohibited.

The driving of salmon downstream or the causing of salmon to go outside the protected area at the mouth of any stream is prohibited.

§ 102.10 Types of gear permitted, salmon fishing.

In fishing for salmon all forms of gear other than drift gill nets, set nets, purse seines, beach seines, fish wheels, trolling apparatus, hand lines, rods, spears, and gaffs are prohibited at all times. Traps are prohibited, except native Indian-owned traps specifically authorized in Part 115.

§ 102.11 Salmon fishing boats and gear.

No salmon seine boat or trolling boat shall operate, assist in operating, or have aboard either it or on any boat towed by it, more than one legal limit of fishing gear in the aggregate: *Provided,* That (a) where the use of leads is permitted, a purse seine boat may have or use not to exceed one lead of legal length and depth without purse rings attached and with mesh at least 7 inches stretched measure between knots, (b) a trolling boat may have or use for taking bait, one gill net with mesh not more than 2½ inches stretched measure between knots, made of not greater than number 20 gillnet thread, and not exceeding 10 fathoms in length and 100 meshes in depth, and (c) unhung gear sufficient for mending purposes may be carried aboard.

§ 102.12 Salmon gill net restrictions.

(a) The trailing of gill net web is prohibited at any time or place where fishing is not permitted, (b) Set nets must be removed from the water during any closed period.

§ 102.13 Salmon troll restrictions.

Not more than 4 trolling lines shall be operated by any boat.

§ 102.24 Closed areas near salmon streams.

(a) In accordance with the authority contained in section 1 of the act of June 18, 1926 (44 Stat. 752, 48 U.S.C. 221–224), as amended, commercial fishing is prohibited at all times between the exposed tideland banks of any salmon stream, within 500 yards of the terminus as defined herein, of any such stream and within such greater distances from such terminus as may be specified in regulations having particular application to designated streams or areas. For the purpose of the regulations in this part the word "terminus" shall mean a line drawn between the seaward extremities of the exposed tideland banks of any salmon stream.

(b) For the purposes of section 3 of the act of June 6, 1924 (43 Stat. 464; 48 U.S.C. 233), as amended, the mouth of any salmon creek, stream or river is determined to be at a line drawn between the extremities of its banks at mean low tide. The facts as to the location of any such line shall be ascertained from time to time by the Director of the Bureau or such other persons as may be designated by the Director and in accordance therewith the mouth of such creek, stream or river shall be appropriately marked and such marking shall be final.

HERRING FISHERY

§ 102.51 Gear.

(a) *Traps prohibited.* Fishing for herring by means of any trap is prohibited. This does not apply to pounds used primarily to retain herring alive over extended periods and which are filled by other gear or by infrequent opening of the pound itself.

(b) *Trawls prohibited.* The use of trawls is prohibited.

(c) *Size of mesh, herring seines.* No herring seine shall have mesh less than 1½ inches stretched measure between knots.

§ 102.52 Obstructions.

No net or other obstruction shall be placed across the entrance to any lagoon or bay, which will prevent free passage of herring at all times.

§ 102.56 Disposal of herring offal.

The dumping of offal or dead herring in the waters of any bay in which herring spawn or where they are captured is prohibited.

BOTTOM FISH FISHERY

§ 102.61 Bottom fish fishery.

The size, character and operation of trawls in Alaskan waters for the taking of bottom fish are limited as follows:

(a) Otter trawls having mesh smaller than 5 inches stretched measure between knots in the bag and 6 inches stretched measure between knots in the wings are prohibited.

(b) The use of any devices attached to the foot-rope or elsewhere, such as chain "ticklers," is prohibited.

(c) The use of otter trawls in any area which the International Pacific Halibut Commission has found to be populated by small immature halibut and accordingly has been closed to all halibut fishing, is prohibited.

§ 102.62 Reports.

All operators of otter trawls shall maintain a running log on forms furnished showing date, type and size of mesh of trawl used, each locality fished, the time and duration of each tow, and the estimated poundage and number or average weight of each species caught. Such logs shall be available for inspection by representatives of the Fish and Wildlife Service at any reasonable time, and duplicate copies shall be transmitted to the Fish and Wildlife Service at the end of each trip.

SHELLFISH FISHERY

§ 102.73 Clam fishing gear.

No species of clam may be taken by other than a shovel eastward from 162°30'00" W. Long., near Cold Bay on the Alaska Peninsula.

§ 102.74 Minimum sizes of clams.

(a) Razor clams: 4½ inches in total length of shell.

(b) Butter clams: 2½ inches in total length of shell. Any undersized clams taken during commercial digging shall be replanted alive in the beach immediately.

§ 102.77 Crab fishing gear.

(a) Dungeness crabs shall be taken only with pots or rings.

(b) King crabs shall be taken only with pots or trawls.

§ 102.82 Minimum sizes of male crabs.

(a) Dungeness: 7 inches in greatest width of shell.

(b) King: 6½ inches in greatest width of shell.

§ 102.83 Soft-shell, female and undersized crabs.

Soft-shell, female, and undersized crabs may not be taken and any inadvertently caught shall be returned to the water immediately with a minimum of injury.

PERSONAL USE FISHERY.

§ 102.92 Restrictions.

(a) Prohibited near artificial obstructions: Fishing for, taking, or molesting any fish by any means, or for any purpose, is prohibited within 300 feet of any dam, fish ladder, weir, culvert, or other artificial obstruction except in the Katmai National Monument where fishing shall be in accordance with National Park Service regulations.

(b) Prohibited with commercial gear; exception: Within any regulatory area, district or section, except in the Bristol Bay and Cook Inlet areas, all fishing for personal use with gill net, seine, or trap shall be subject to the laws and regulations governing commercial fishing during the period starting 48 hours before the opening of a commercial season for such gear and continuing until 48 hours after its close: *Provided,* That bona fide personal use fishing will be permitted at all times on the Kuskokwim River.

(c) Personal use gear: The taking of salmon is prohibited in fresh water by means of a—

(1) Multiple hook or hooks to which a following weight or object is attached.

(2) Multiple hook or hooks with gaps between points and shank larger than ¼ inch when not attached to a plug, spoon, spinner, or artificial lure.

(3) Plug, spoon, spinner or artificial lure having single or multiple hooks with gap between point and shank larger than ½ inch.

(4) Single hook with gap between point and shank larger than ½ inch.

MODIFICATION OF RESTRICTIONS

§ 102.99 Modification of closed seasons and imposition of additional restrictions.

The Secretary from time to time may shorten, lengthen, or reopen for limited periods any closed season and impose further restrictions on the means, methods, and areas of fishing and on the catch of fish otherwise permitted to be taken.

PART 103—ARCTIC AREA

Sec.

AUTHORITY: §§ 103.1 to 103.91 issued under sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221.

§ 103.1 Definition.

The Arctic area includes all waters of Alaska between Demarcation Point and Cape Newenham.

SALMON FISHERY

§ 103.2 Definitions, fishing districts.

(a) *Northern district.* All waters from Demarcation Point to Point Hope.

(b) *Kotzebue district.* All waters from Point Hope southward to Cape Prince of Wales.

(c) *Port Clarence district.* All waters from Cape Prince of Wales southward to Cape Douglas.

(d) *Norton Sound district.* All waters from Cape Douglas southward to a true east-west line through the westernmost point of Stuart Island.

(e) *Yukon district.* All waters of the Yukon River and tributaries and all coastal waters from a true east-west line through the westernmost point of Stuart Island southward to 62° N. lat.

(f) *Kuskokwim district.* All waters of the Kuskokwim River and tributaries and all coastal waters from 62° N. lat. southward to Cape Newenham.

§ 103.5 Open season.

Fishing is prohibited except from 6 a.m., June 1 to 6 p.m. July 31.

§ 103.10 Gear restrictions.

Fishing is prohibited except with gill nets: *Provided,* That in the Yukon district such nets may not have mesh less than 8½ inches stretched measure: *And provided further,* That fish wheels may be used in the Yukon and Kuskokwim districts.

§ 103.11 Aggregate length of gill nets.

The aggregate length of gill nets on or in use by any salmon fishing boat shall not exceed 150 fathoms, hung measure: *Provided,* That in the Kuskokwim district the aggregate length of drift gill nets on or in use by any salmon fishing boat shall not exceed 45 fathoms, hung measure, and the aggregate length of set nets in use by any individual shall not exceed 25 fathoms, hung measure.

§ 103.12 Size of mesh and depth of gill nets.

King salmon gill nets shall have a mesh of at least 8½ inches stretched measure and red salmon gill nets shall have a mesh of at least 5½ inches stretched measure. No red salmon gill net shall be over 28 meshes deep.

§ 103.13 Marking of gill nets.

Each drift gill net in operation shall have a suitable bright red keg, buoy or cluster of floats at each end which shall be plainly and legibly marked with the initials of the operator, and bright red double floats shall be attached to the cork line at 25-fathom intervals, except that the 25-fathom interval requirement shall not apply in the Kuskokwim district.

§ 103.24 King salmon quotas.

In any calendar year the take of king salmon shall not exceed the following:

(a) *Yukon district.* 50,000 fish below the mouth of the Anuk River; 10,000 fish between the mouths of the Anuk and Anvik Rivers; and 5,000 fish above the mouth of the Anvik River.

(b) *Kuskokwim district.* 3,000 fish below the mouth of the Aniak River, and 3,000 fish above the mouth of that river.

PERSONAL USE FISHERY

§ 103.91 Weekly closed period.

In the Yukon district, fishing for, taking or molesting salmon, by any means, or for any purpose, is prohibited between 6 p.m. Saturday and 6 a.m. Monday of each week, except after 48 hours following the close of commercial fishing.

PART 104—BRISTOL BAY AREA

AUTHORITY: §§ 104.1 to 104.90 issued under sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221.

§ 104.1 Definition.

The Bristol Bay area includes all waters of Alaska in Bristol Bay east of a line from Cape Newenham to a point 3 statute miles south of Cape Menshikof.

SALMON FISHERY

§ 104.2 Definitions, fishing districts.

Fishing, except trolling, is prohibited except within the following-described districts:

(a) *Nushagak district.* Waters of Nushagak Bay within a line between the white Coast and Geodetic Survey markers located near Nichols Hills and Etolin Point, respectively.

(b) *Kvichak-Naknek district.* Waters of Kvichak Bay within a line from a point at 58°33′ N. lat., 157°20′ W. long., to a point at approximately 58°44′18″ N. lat., 157°40′ W. long.

(c) *Egegik district.* Waters bounded by a line from Cape Chichagof at 58°20′ N. lat., to a point 3 miles due west, thence to a point 2 miles due west of the outer buoy marking the entrance to the Egegik River, thence to a point 3 miles offshore at 58° N. lat., thence due east to the shoreline.

(d) *Ugashik district.* Waters bounded by a line from 3 miles north of Cape Greig light to a point 3 miles due west, thence to a point 2 miles due west of the outer buoy marking the entrance to the Ugashik River, thence to a point 3 miles due west of Cape Menshikof, thence to the southern terminus of the area at a point 3 miles south of Cape Menshikof.

(e) *Togiak district.* All waters north of a line from Right Hand Point to Cape Pierce.

NOTE: Promulgation of the commercial salmon fishery regulations for 1959 is being delayed pending clarification of the high seas fishery situation.

PERSONAL USE FISHERY

§ 104.90 Open season, salmon.

Personal use fishing with nets is prohibited, except:

(a) Prior to noon June 20 and after noon July 27.

(b) In the Togiak district, set nets may be used at any time.

(c) In the Kvichak-Naknek, Egegik, Ugashik and Nushagak districts, set nets may be used in waters open to commercial fishing from 6 a.m. to 6 p.m. each Saturday.

(d) In the Nushagak district, set nets may be used (1) at any place over 12 miles upstream from waters open to commercial fishing and (2) between Snag Point and Bradford Point if nets do not exceed 15 fathoms in length and if they have been previously registered with the local representative of the Bureau.

PART 105—ALASKA PENINSULA AREA

AUTHORITY: §§ 105.1 to 105.34 issued under sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221.

§ 105.1 Definition.

The Alaska Peninsula area includes all waters of Alaska from a point 3 statute miles south of Cape Menshikof to Unimak Pass, thence easterly to the western point at the entrance to Kuiukta Bay.

SALMON FISHERY

§ 105.2 Definitions, fishing districts.

Fishing districts are as follows:

(a) *Northeastern.* All waters on the north side of the Alaska Peninsula between a point 3 statute miles south of Cape Menshikof and Cape Seniavin.

(b) *North Central.* All waters on the north side of the Alaska Peninsula between Cape Seniavin and Moffet Point.

(1) Bear River section: All waters between Cape Seniavin and Entrance Point.

(2) Nelson Lagoon section: All waters of the lagoon inside the bars and west of a line from Wolf Point to Cape Rozhnof.

(3) General section: All other waters of the district from Moffet Point to Entrance Point, including Port Moller and Herendeen Bay.

(c) *Northwestern.* All waters on the north side of the Alaska Peninsula between Moffet Point and Unimak Pass, excluding Bechevin Bay.

(d) *Southwestern.* All waters on the south side of the Alaska Peninsula between Cape Pankof light and Arch Point, including Bechevin Bay.

(e) *South Central.* All waters south of the Alaska Peninsula between Arch Point and the south side of Cape Aliaksin at 160°45′ W. long., including all of the Shumagin Islands, except Korovin Island.

(f) *Southeastern.* All waters on the south side of the Alaska Peninsula from a point at 160°45′ W. long., on the south side of Cape Aliaksin to Andronica Island light, thence to the eastern boundary of the area.

(g) *Unimak.* All waters on the south side of Unimak Island between Cape Pankof light and Scotch Cap.

§ 105.5 Open seasons and gear.

Fishing is prohibited except:

(a) *Northeastern district.* (1) From 6 a.m. July 13 to 6 p.m. September 30 west of Strogonof Point, and (2) from August 3 to September 30 with gill nets only east of Strogonof Point.

(b) *North Central district.* From 6 a.m. June 22 to 6 p.m. September 30: *Provided,* (1) That in the area northeast of the church located near the beach about 2 miles northeast of Bear River, purse seines only may be used from June 29 to July 31, inclusive, and (2) That no closed season shall apply to gill nets with mesh at least 8½ inches stretched measure.

(c) *Northwestern district.* From 6 a.m. June 1 to 6 p.m. July 24 and from noon September 1 to noon September 30.

(d) *Southwestern district.* From 6 a.m. June 1 to 6 p.m. July 17, from 6 a.m. July 27 to 6 p.m. August 5, and from noon August 17 to noon September 30.

(e) *South Central district.* From 6 a.m. June 1 to 6 p.m. July 17, from 6 a.m. July 27 to 6 p.m. August 5, and from noon September 1 to noon September 30.

(f) *Southeastern district.* From 6 a.m. June 1 to 6 p.m. July 17, from 6 a.m. July 27 to 6 p.m. August 5, and from noon September 1 to noon September 30.

(g) *Unimak district.* From 6 a.m. June 1 to 6 p.m. July 17 and from 6 a.m. July 27 to 6 p.m. August 5.

§ 105.9 Weekly closed periods.

The weekly closed periods are as follows:

(a) *North Central district, Bear River section:* 6 p.m. Monday to 6 a.m. Tuesday, 6 p.m. Tuesday to 6 a.m. Wednesday, 6 p.m. Wednesday to 6 a.m. Thursday, and 6 p.m. Thursday to 6 a.m. Monday.

(b) *Unimak district.* Prior to July 6, fishing is prohibited from 6 p.m. of each day to 6 a.m. of the day following in addition to the statutory weekly closed period. After July 5 fishing is prohibited from 6 p.m. Friday to 6 a.m. Monday.

(c) *North Central district, except Bear River section; and Northwestern, Southwestern, South Central, and Southeastern districts:* (1) Prior to July 6, from 6 a.m. Friday to 6 a.m. Monday; (2) Subsequent to July 5, from 6 p.m. Friday to 6 a.m. Monday.

§ 105.10 Gear restrictions.

(a) Restricted to gill nets, Swanson Lagoon. Fishing is prohibited except by means of gill nets.

(b) Restricted to purse seines, Unimak district. Fishing is prohibited except by means of purse seines.

§ 105.11 Aggregate length of gill nets.

The aggregate length of gill nets on any salmon fishing boat, or in use by such boat, shall not exceed 200 fathoms hung measure.

§ 105.13 Marking of gill nets.

Each gill net in operation shall have a suitable bright red keg, buoy, or cluster of floats at each end and be plainly and legibly marked with the permanent registration number of the Bureau as well as the initials of the operator, and bright red double floats shall be attached to the cork line of drift nets at 25-fathom intervals.

§ 105.15 Aggregate length and operation of set nets.

(a) No set net shall exceed 75 fathoms in length hung measure. The aggre-

gate length of set nets used by any individual shall not exceed 150 fathoms.

(b) Set nets shall be operated in substantially a straight line: *Provided,* That not to exceed 30 fathoms of each net may be used as a single hook.

§ 105.18 Maximum length of seine boats.

In the Southwestern, South Central, and Southeastern districts no boat used in operating any purse seine shall be longer than 50 feet, official registered length.

§ 105.19 Size of beach seines.

No beach seine shall be less than 60 fathoms in length and 3 fathoms in depth, nor more than 100 fathoms in length and 12 fathoms in depth, hung measure.

§ 105.25 Minimum distance between units of gear.

The distance by most direct water measurement from any part of one set net or beach seine to any part of another set net or beach seine shall not be less than 1,800 feet.

§ 105.31 Areas open to seines; size of seines.

Fishing with any purse seine less than 100 fathoms in length or more than 200 fathoms in length and 350 meshes in depth is prohibited in the Southwestern, South Central, and Southeastern districts.

§ 105.34 Closed waters.

Fishing is prohibited, as follows:

(a) Within 1,000 yards outside the terminuses of Bear and Sandy Rivers and all salmon streams entering Humpback Bay.

(b) *Long John Lagoon, Kinzaroff Lagoon, Mortensen Lagoon, Big Lagoon, and Middle Lagoon.* Within the lagoons and within a distance of 500 yards outside the entrances.

(c) *Belkofski Bay.* All waters north and east of a line from 55°09'26" N. lat., 162°09'08" W. long., to 55°08'08" N. lat., 162°07'02" W. long., and thence to 55°07'20" N. lat., 162°07'41" W. long.

(d) *Volcano Bay and Bear Bay.* (1) North of a line from 55°13'26" N. lat., 162°01'14" W. long., to 55°13'51" N. lat., 161°58' W. long.; and (2) West of a line from 55°11'20" N. lat., 161°59'44" W. long., to 55°09'56" N. lat., 161°58'14" W. long.

(e) *Canoe Bay.* In the inner bay at all times and in the outer bay after July 17.

(f) *Orzenoi Bay.* Within 1,000 yards of any salmon stream.

(g) *Balboa Bay.* (1) North of a line due west from Reef Point, and (2) inside a line in Left Hand Bay from 55°31'36" N. lat., 160°42'54" W. long., to 55°33'12" N. lat., 160°42'06" W. long.

(h) *Ivanof Bay.* Within 1,000 yards of any salmon stream north and east of Road Island.

(i) *Morzhovoi Bay.* All waters in Littlejohn Lagoon.

(j) *Lenard Harbor, Cold Bay.* All waters.

(k) *Thin Point Cove and Lagoon.* Within the lagoon and within 1,000 yards of its outlet into the cove.

(l) *Traders Cove.* All waters.

(m) *Frank's Lagoon.* All waters.

(n) *Ivan Bay.* Inside a line from the marker on the northwest shore 1,000 yards from the stream mouth to the marker on the southeast shore 750 yards from the stream mouth.

PART 106—ALEUTIAN ISLANDS AREA

Sec.
106.1 Definition.

SALMON FISHERY

106.5 Seasons.
106.11 Aggregate length of gill nets.
106.15 Operation of set nets.
106.17 Size of purse seines.

AUTHORITY: §§ 106.1 to 106.17 issued under sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221.

§ 106.1 Definition.

The Aleutian Islands area includes all waters of Alaska in the Aleutian Islands west of, and including, Unimak Pass.

SALMON FISHERY

§ 106.5 Seasons.

Fishing is prohibited after 6 p.m. August 8, except that beach seines and gill nets may be used from September 7 to September 30, inclusive.

§ 106.11 Aggregate length of gill nets.

The aggregate length of gill nets on any salmon fishing boat or in use by such boat shall not exceed 200 fathoms hung measure.

§ 106.15 Operation of set nets.

Set nets shall be operated in substantially a straight line.

§ 106.17 Size of purse seines.

The use of any purse seine exceeding 200 fathoms in length or 350 meshes in depth is prohibited. Leads exceeding 25 fathoms in length are prohibited.

PART 107—CHIGNIK AREA

Sec.
107.1 Definition.

SALMON FISHERY

107.2 Definitions, fishing districts.
107.5 Seasons.
107.9 Weekly closed period.
107.10 Purse seines and gill nets prohibited, exception.
107.15 Aggregate length and operation of set nets.
107.17 Size of purse seines.
107.19 Size of beach seines.
107.25 Minimum distance between units of gear.
107.34 Closed waters.

AUTHORITY: §§ 107.1 to 107.34 issued under sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221.

§ 107.1 Definition.

The Chignik area includes all waters of Alaska on the south side of the Alaska Peninsula between the southern entrance to Imuya Bay near Kilokak Rocks and the western point at the entrance to Kuiukta Bay, including adjacent islands.

SALMON FISHERY

§ 107.2 Definitions, fishing districts.

(a) *Western district.* South and west of Jack Point, excluding any waters of Chignik Lagoon.

(b) *Chignik Bay district.* Chignik Bay and Lagoon west of a line from Jack Point to Neketa Creek at 56°24'10" N. lat., 158°27'35" W. long.

(c) *Eastern district.* The remainder of the area outside a line from Jack Point to Neketa Creek at 56°24'10" N. lat., 158°27'35" W. long.

§ 107.5 Open seasons.

Fishing is prohibited except:

(a) *Western district.* From 6 a.m. June 29 to 6 p.m. July 17, from 6 a.m. July 27 to 6 p.m. August 5, and from noon September 1 to noon September 30.

(b) *Chignik Bay district.* From 6 a.m. June 15 to noon September 30.

(c) *Eastern district.* From 6 a.m. June 29 to 6 p.m. July 17, from 6 a.m. July 27 to 6 p.m. August 5, and from noon September 1 to noon September 30.

§ 107.9 Weekly closed period.

The weekly closed period is extended to include:

(a) *Western and Eastern districts.* From 6 p.m. Friday to 6 a.m. Monday.

(b) *Chignik Bay district.* From 6 p.m. Monday to 6 a.m. Wednesday; from 6 p.m. Wednesday to 6 a.m. Friday; and from 6 p.m. Friday to 6 a.m. Monday.

§ 107.10 Purse seines and gill nets prohibited, exception.

(a) The use of drift gill nets is prohibited.

(b) The use of purse seines is prohibited except in the Western district, and in the Eastern district east of Cape Kunmik.

§ 107.15 Aggregate length and operation of set nets.

(a) No set net shall be less than 50 fathoms or more than 75 fathoms hung measure. The aggregate length of set nets in use by any boat or individual shall not exceed 100 fathoms.

(b) Set nets shall be operated in substantially a straight line: *Provided,* That not to exceed 30 yards of each net may be used as a single hook.

§ 107.17 Size of purse seines.

No purse seine shall be less than 100 fathoms or more than 200 fathoms in length. Leads exceeding 25 fathoms in length are prohibited.

§ 107.19 Size of beach seines.

No beach seine shall be less than 60 fathoms in length and 3 fathoms in depth, nor more than 100 fathoms in length and 12 fathoms in depth, hung measure.

§ 107.25 Minimum distance between units of gear.

The distance by most direct water measurement from any part of one set net or seine to any part of another set net or seine shall not be less than 600 feet.

§ 107.34 Closed waters.

(a) *Chignik Lagoon.* (1) Within a line from Hume Point to the north side of Chignik Island at 56°17'30" N. lat., 158°34'54" W. long., and (2) Mallard Duck Bay inside a line from Green Point

to Chignik Island at 56°16'48" N. lat., 158°34'38" W. long.

(b) *Aniakchak Lagoon.* The lagoon and within 500 yards of the entrance.

(c) *Yantarni Lagoon.* The lagoon and within 500 yards of the entrance.

(d) *Nakalilok Lagoon.* The lagoon and within 500 yards of the entrance.

(e) *Kujulik Bay.* The southwest end of the bay inside a line from approximately 56°35'52" N. lat., 157°59'00" W. long., to 56°34'00" N. lat., 157°57'30" W. long.

(f) *Agripina Bay.* Within 1,000 yards of all salmon streams.

(g) *Chiginagak Bay.* Within 1,000 yards of the salmon stream entering the bay from the northeast.

PERSONAL USE FISHING

§ 107.92 Closed waters.

Salmon fishing for personal use is prohibited with nets in Chignik Lake and tributaries and Chignik River, above the Bureau counting weir site.

PART 108—KODIAK AREA

Sec.

AUTHORITY: §§ 108.1 to 108.92 issued under sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221.

§ 108.1 Definition.

The Kodiak area includes all waters of Alaska from the southern entrance to Imuya Bay near Kilokak Rocks, to Cape Douglas, including Kodiak, Afognak, and adjacent islands.

SALMON FISHERY

§ 108.2 Definitions, fishing districts and sections.

(a) *Alitak district.* All waters between Cape Trinity and Low Cape.

(1) Moser-Olga Bay section: Inside a line from the southernmost point of Miller Island to the southernmost point of High Rock.

(2) Alitak Bay section: All other waters of the district.

(b) *Red River district.* All waters from Low Cape to Sturgeon Head.

(c) *Sturgeon River district.* All waters from Sturgeon Head to Cape Karluk.

(d) *Karluk district.* All waters bounded by a line from Cape Karluk northwesterly to midstream, thence up the middle of Shelikof Strait to 58°26'30" N. lat., thence southeasterly to Cape Paramanof, thence to Raspberry Strait light, thence to Malina Point light, thence to West Point, thence to Chief Point, thence to the southern point at the entrance to Larsen Bay at 57°32' N. lat., thence to Karluk Lake and back to point of beginning at Cape Karluk.

(1) Inner Karluk section: All waters from Cape Karluk to Cape Uyak.

(2) Uyak section: All waters from Cape Uyak to Cape Kuliuk.

(3) Uganik section: All waters from Cape Kuliuk to Malina Point.

(4) Afognak section: All waters from Malina Point to Cape Paramanof.

(e) *Mainland district.* All waters of the area northwest of a line down the middle of Shelikof Strait.

(f) *Afognak district.* All waters surrounding Whale, Marmot, Shuyak, Raspberry, and Afognak Islands except northwest of a line from Cape Paramanof to Raspberry Strait light to Malina Point light.

(g) *Uganik Bay district.* All waters of Uganik and Viekoda Bays inside a line from West Point to Malina Point to Outlet Cape.

(h) *General district.* All waters not defined elsewhere.

(i) *Uyak Bay district.* All waters of Uyak Bay inside a line from Chief Point to the southern point at the entrance to Larsen Bay at 57°32' N. lat.

§ 108.5 Seasons.

Fishing is prohibited except:

(a) *Karluk district.* From 6 a.m. June 1 to 6 p.m. August 13, and from 6 a.m. September 7 to 6 p.m. September 19: *Provided,* That fishing is prohibited (1) from 6 p.m. June 19 to 6 a.m. July 6 in the Uyak section, and (2) from 6 p.m. July 17 to 6 a.m. July 27 in the Inner Karluk section.

(b) *Mainland district.* From 6 a.m. July 6 to 6 p.m. August 13, and from 6 a.m. September 7 to 6 p.m. September 19.

(c) *Afognak district.* From 6 a.m. July 6 to 6 p.m. August 13, and from 6 a.m. September 7 to 6 p.m. September 19.

(d) *General district.* From 6 a.m. July 6 to 6 p.m. August 13, and from 6 a.m. September 7 to 6 p.m. September 19.

(e) *Red River district.* From 6 a.m. July 6 to 6 p.m. August 13, and from 6 a.m. September 7 to 6 p.m. September 19.

(f) *Sturgeon River district.* From 6 a.m. June 1 to 6 p.m. August 13, and from 6 a.m. September 7 to 6 p.m. September 19.

(g) *Alitak district.* From 6 a.m. July 6 to 6 p.m. August 13, and from 6 a.m. September 7 to 6 p.m. September 19.

(h) *Uganik Bay district.* From 6 a.m. July 6 to 6 p.m. August 13, and from 6 a.m. September 7 to 6 p.m. September 19.

(i) *Uyak Bay district.* From 6 a.m. June 1 to 6 p.m. June 19; from 6 a.m. July 6 to 6 p.m. August 13; and from 6 a.m. September 7 to 6 p.m. September 19.

§ 108.9 Weekly closed period.

Prior to September 7, the weekly closed period is extended to include from 6 p.m. Friday to 6 a.m. Monday.

§ 108.10 Gear restrictions.

(a) *Olga and Moser Bays.* Fishing is prohibited (1) in Olga Bay, except with set nets along the south shore from the latitude of Stockholm Point to 57°04'23" N. lat., 154°06'38" W. long., and along the eastern shore from 57°04'23" N. lat., 154°05'02" W. long., to 154° W. long., and along the north shore from 154°03' W. long. to the latitude of Stockholm Point; and (2) in Moser Bay except with set nets south of a line from 57°00'11" N. lat., 154°07'58" W. long., to 57°01'27" N. lat., 154°08'32" W. long.

(b) *Cape Karluk to Cape Uyak.* Fishing except by beach seines and purse seines is prohibited.

(c) *Sturgeon River district.* Fishing is prohibited except by purse seines and set nets.

(d) *Red River district.* Fishing is prohibited except by purse seines and set nets.

(e) *Fall season, restriction.* The taking of pink salmon is prohibited after August 31, except by set nets.

(f) *Drift nets prohibited.* Fishing with drift nets is prohibited.

§ 108.15 Size and operation of set nets.

The aggregate length of set nets used by any individual shall not exceed 150 fathoms. Seine webbing may be used on the shore end between high and low water marks. Set nets shall be operated in substantially a straight line: *Provided,* That not to exceed 25 fathoms of each net may be used as a single hook.

§ 108.17 Size and operation of purse seines.

No purse seine shall be less than 100 fathoms nor more than 200 fathoms in length, and at least 50 fathoms shall be 7¼ fathoms or more in depth, but no part thereof shall be less than 4¾ fathoms in depth. Leads exceeding 25 fathoms in length are prohibited.

§ 108.18 Maximum length of seine boats.

No boat used in operating any purse seine shall be longer than 50 feet, as shown by official register length.

§ 108.19 Operation of beach seines.

Beach seines shall be set from the beach only. No beach seine shall be left without reasonably prompt completion of the seining operation. No beach seine shall be less than 100 fathoms nor more than 200 fathoms in length, nor less than 4¾ fathoms in depth: *Provided,* That in the Karluk district the use of beach seines 250 fathoms in length is permitted.

§ 108.25 Minimum distance between set nets.

900 feet.

§ 108.34 Closed waters.

Fishing is prohibited as follows:

(a) *Portage Bay.* (1) Southeast arm inside of markers, (2) the northeast arm within a line from a marker on the north shore 1 statute mile from the stream in the northeast corner of the bay to a marker on the opposite shore.

(b) *Deadman Bay.* North of a line from 57°08'12" N. lat., 153°49'24" W.

long., to 57°07'50" N. lat., 153°47' W. long.

(c) *Red River.* All waters within 1 statute mile of the terminus.

(d) *Karluk River.* Within 100 yards of its terminus where it breaks through Karluk Spit into Shelikof Strait: *Provided,* That the area closed shall be within 500 yards of its terminus from 6 a.m. July 1 to 6 a.m. September 1.

(e) *Uyak Bay.* South of 57°19'11" N. lat.

(f) *Zachar Bay.* East of the herring plant at 153°45'00" W. long.

(g) *Spiridon Bay.* South of 57°38'00" N. lat.

(h) *East Arm, Uganik Bay.* East of a line from 57°42'39" N. lat., 153°29'34" W. long., to 57°43'41" N. lat., 153°29'04" W. long.

(i) *Terror Bay.* South of 57°44'41" N. lat.

(j) *Pasagshak Bay.* All waters.

(k) *Ugak Bay.* West of 152°48'34" W. long.

(l) *Kiliuda Bay.* West of 153°06'35" W. long.

(m) *Old Harbor.* Within 1 statute mile of the terminus of the stream 1 statute mile northeast of Old Harbor.

(n) *All bays of Afognak Island.* Within lines indicated by markers.

(o) *Kaflia Bay.* Within 1 statute mile outside the entrance of the outer lagoon.

(p) *Little River.* Within 1 statute mile of the terminus.

(q) *Kizhuyak Bay.* (1) Within one-half mile of the terminus of the stream at 57°49'11" N. lat., and (2) South of 57°44'02" N. lat.

(r) [Reserved.]

(s) *Barling Bay.* Inside a line from 57°11'15" N. lat., 153°22' W. long., to 57°11'42" N. lat., 153°21'18" W. long.

(t) *Shearwater Bay.* North of a line from 57°20'23" N. lat., 152°52'47" W. long., to 57°20'45" N. lat., 152°53'30" W. long.

(u) *Kalsin Bay.* South of 57°35'56" N. lat.

(v) *Middle Bay.* West of 152°28'34" W. long.

(w) *Anton Larsen Bay.* South of 57°50'59" N. lat.

(x) *Sharatin Bay.* South of 57°49'53" N. lat.

(y) *Olga Bay.* Within ½ statute mile of the terminus of any salmon stream and within ½ statute mile of the terminus of Horse Marine Lagoon.

(z) *Kaiugnak Bay.* The lagoon west of 153°41'53" W. long.

(aa) *Sukhoi Bay.* In the bay and lagoon.

HERRING FISHERY

§ 108.50 Seasons.

Fishing, except for bait and except by gill nets, is prohibited except from June 15 to October 15.

§ 108.53 Closed waters.

Fishing is prohibited prior to October 1 in all waters closed throughout the year to salmon fishing.

SHELLFISH FISHERY

§ 108.70 Closed season, razor clams.

From July 15 to September 15, inclusive.

§ 108.71 Maximum take of razor clams.

Along the coast and islands from Cape Kuliak to Cape Douglas, there shall not be taken more than 500,000 pounds including shells, or 12,500 cases upon the basis of 48 one-half pound cans per case.

§ 108.72 Closed season, butter clams.

From June 1 to September 1, inclusive.

§ 108.74 Closed season, king crabs.

Fishing for or taking king crabs, except by pots, will be prohibited from approximately mid-April to late May each year. Precise dates will be announced by special amendment to these regulations in conformance with field observations on the moulting condition of the crabs.

§ 108.75 Closed season, Dungeness crabs.

From June 1 to August 14, inclusive.

PERSONAL USE FISHERY

§ 108.92 Personal use gear and bag limit.

At all times in all closed commercial fishing areas of Chiniak, Pasagshak, and Anton Larsen Bays, and all streams tributary thereto, the taking of salmon for personal use shall be limited to hand rod, spear, or gaff and shall not exceed two salmon per day, per person.

PART 109—COOK INLET AREA

Sec.

AUTHORITY: §§ 109.1 to 109.95 issued under sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221.

§ 109.1 Definition.

The Cook Inlet area includes all waters of Alaska in Cook Inlet north of Cape Douglas and west of Point Gore, including the Barren Islands.

SALMON FISHERY

§ 109.2 Definitions, fishing districts.

(a) *Northern district.* North of the latitude of Boulder Point.

(b) *North Central district.* Between the latitude of Boulder Point and the latitude of the marker at the south limit of the closed area at Kasilof River, including the waters adjacent to Kalgin Island.

(c) *South Central district.* Between the latitude of the marker at the south limit of the closed area at Kasilof River and the latitude of Anchor Point light, excluding the waters adjacent to Kalgin Island.

(d) *Southern district.* Between the latitude of Anchor Point light and a line extending from Cape Douglas through the southermost point of Elizabeth Island across Chugach Passage.

(e) *Outer district.* Between a line extending from Cape Douglas through the southermost point of Elizabeth Island across Chugach Passage and the outer limits of the area.

§ 109.4 Reporting of salmon taken from the area.

No unprocessed salmon caught in the Cook Inlet area shall be transported out of the area until the number of each species shall have been reported to an authorized representative of the Bureau.

§ 109.5 Seasons.

(a) *Northern and North Central districts.* (1) From 9 a.m. May 25 to 9 a.m. June 30 with gill nets only, of which no legal limit shall have more than 35 fathoms of mesh less than 8½ inches stretched measure; (2) from 9 a.m. July 2 to 9 a.m. August 12; and (3) from 9 a.m. August 19 to 9 a.m. September 19 with gill nets only.

(b) *South Central district.* (1) From 9 a.m. May 25 to 9 a.m. August 12, and (2) from 9 a.m. August 19 to 9 a.m. September 19 with gill nets only.

(c) *Southern district.* (1) From 9 a.m. May 25 to 9 a.m. August 12; and (2) from 9 a.m. August 19 to 9 a.m. September 19 with gill nets only.

(d) *Outer district.* (1) From 9 a.m. July 2 to 9 a.m. July 15, and (2) from 9 a.m. July 23 to 9 a.m. August 5.

§ 109.9 Weekly closed period.

The weekly closed period is extended as follows:

(a) (1) In the Northern, North Central, South Central, and Southern districts prior to July 1 from 9 a.m. Friday to 9 a.m. Monday and from 9 a.m. Tuesday to 9 a.m. Thursday. In the period July 1 to July 27 inclusive, the number of fishing days per week shall be governed by the total number of units of gear registered for fishing in these districts in accordance with the following table:

Units of gear:	*Days of fishing per week*
1540	1.0
1290–1539	1.5
1050–1289	2.0
880–1049	2.5
770–879	3.0
700–769	3.5
650–699	4.0
649	5.0

(2) For the purposes of this section, one set of set net gear shall equal 1 unit of gear and one drift net 2 units of gear.

(3) When the allowable fishing time is 1 day per week, fishing will be permitted from 9 a.m. Monday to 9 a.m. Tuesday. When the allowable fishing time is more than 1 day and less than 3 days per week, fishing will commence at 9 a.m. on Monday and 9 a.m. on Thursday, and will be continuous thereafter for one-half of the total fishing time allowed. When the allowable fishing time is 3 or 3½ days per week, the fishing time shall be divided into 3 equal parts starting at 9 a.m. on each Monday, Wednesday and Friday. When the allowable fishing time is 4 days or more per week, fishing will commence at 9 a.m. Monday and be continuous thereafter for the total fishing time allowed. As used in this section "day" refers to a period of 24 hours.

(4) After July 27, from 9 a.m. Saturday to 9 a.m. Monday.

(b) In the Outer district, from 9 a.m. Saturday to 9 a.m. Monday and from 9 a.m. Wednesday to 9 a.m. Thursday.

§ 109.10 Gear restrictions.

(a) The use of purse seines is prohibited.

(b) The use of beach seines is prohibited north of the latitude of Anchor Point Light: *Provided,* That this shall not apply to Chinitna Bay.

§ 109.11 Size and operation of drift nets.

(a) No fishing boat shall operate, assist in operating, or have aboard more than one legal limit of gear.

(b) The use of drift nets is prohibited in the Northern, Southern, and Outer districts.

(c) The aggregate size of drift nets on, or in use by, any fishing boat, shall not exceed 150 fathoms in length and 45 meshes in depth.

(d) In the period from July 1 to July 27: (1) No gill net registered as a set net may be used as a drift net, nor may any gill net registered as a drift net be used as a set net; (2) No fisherman licensed to operate or assist in operating a drift net shall operate or assist in operating a set net; and no fisherman licensed to operate or assist in operating a set net shall operate or assist in operating a drift net; (3) The picking of any drift net shall be deemed to be a part of the fishing operation and shall be performed only on a registered net by the fisherman licensed to operate a particular legal limit of gear; (4) The operation of each particular legal limit of set net shall be performed or assisted by the fisherman in whose name it is registered.

§ 109.13 Marking of gill nets.

Each gill net in operation shall have a suitable bright red keg, buoy, or cluster of floats at each end and be plainly and legibly marked with the permanent registration number of the Bureau as well as the initials of the operator, and bright red double floats shall be attached to the cork line of drift nets at 25-fathom intervals.

§ 109.15 Aggregate length and operation of set nets.

(a) Set nets shall be operated in substantially a straight line: *Provided,* That not to exceed 20 yards of each net may be used as a single hook. The use of set nets is prohibited in the Outer district.

(b) No set net shall exceed 35 fathoms in length hung measure. The aggregate length of set nets used by any individual shall not exceed 105 fathoms. South of the latitude of Anchor Point, seine webbing not exceeding 30 fathoms in length may be used on the shore end between high and low water.

§ 109.19 Size of beach seines.

No beach seine shall be less than 125 meshes in depth or less than 90 fathoms in length. For the purpose of determining the depth of seines, measurements will be upon the basis of 3½ inches stretched measure between knots.

§ 109.25 Minimum distance between units of gear.

The distance by most direct water measurement from one gill net or seine to another gill net or seine shall not be less than 600 feet.

§ 109.28 Areas open to set nets.

(a) *Southern district summer season.* Prior to August 19 the use of set nets is prohibited in the Southern district except along the shorelines as follows:

(1) From Anchor Point to 59°41'53" N. lat., 151°46'31" W. long.

(2) That part of Halibut Cove open to commercial fishing which lies within a line from the western end of Ismailof Island to the outermost point on Glacier Spit.

(3) Between Barabara Point and the headland at the west side of the entrance to Jakalof Bay.

(4) That part of Seldovia Bay open to commercial fishing lying south of the latitude of Point Naskowhak.

(5) Between Danger Cape and the point south of English Bay at 59°20'43" N. lat., 151°57'29" W. long.

(6) Port Chatham within a line from Kelp Point to the Port Chatham Packing Company dock.

(b) *Areas open to set nets, Northern district.* The use of any set net is prohibited, except in the following areas:

(1) Waters along the north and west coast:

(i) From Point Mackenzie to 61°09'32" N. lat., 151°02'54" W. long.

(ii) From 61°09'22" N. lat., 151°03'07" W. long., to 61°07'52" N. lat., 151°04'38" W. long.

(iii) From 61°07'41" N. lat., 151°04'47" W. long., to 61°00'44" N. lat., 151°23'56" W. long.

(iv) From 61°00'47" N. lat., 151°23'32" W. long., to 61°00'44" N. lat., 151°22'51" W. long.

(v) From 61°00'42" N. lat., 151°22'27" W. long., to the southern boundary of the district.

(2) Waters along the west coast of Fire Island from North Point to West Point:

(3) Waters along the east coast:

(i) From Point Possession to 61°01'14" N. lat., 150°26'30" W. long.

(ii) From 61°01'07" N. lat., 150°26'48" W. long., to 60°55'40" N. lat., 150°43'53" W. long.

(iii) From 60°55'34" N. lat., 150°44'13" W. long., to the latitude of Birch Hill at approximately 60°55'00" N. lat.

(iv) From the latitude of Otter Creek to the southern boundary of the district.

(c) *Areas open to set nets, North Central district.* The use of any set net is prohibited, except in the following areas: *Provided,* That in the period prior to 9 a.m. June 30 such nets may be used in all waters of the district open to fishing:

(1) Waters along the west coast:

(i) From the northern boundary of the district to 60°46'08" N. lat., 151°43'59" W. long.

(ii) From 60°45'56" N. lat., 151°43'45" W. long., to 60°43'53" N. lat., 151°48'36" W. long. and, from 60°24'36" N. lat., 152°16'35" W. long., to 60°24'14" N. lat., 152°15'23" W. long.

(iii) From 60°24'08" N. lat., 152°15'03" W. long., to the southern boundary of the district.

(2) Waters along the coast of Kalgin Island.

(i) From 60°30'39" N. lat., 151°56'57" W. long., to 60°30'39" N. lat., 151°54'45" W. long.

(ii) From 60°30'33" N. lat., 151°54'25" W. long., to 60°30'07" N. lat., 151°53'10" W. long.

(iii) From 60°30'03" N. lat., 151°52'48" W. long., to 60°26'55" N. lat., 151°53'09" W. long.

(iv) From 60°26'43" N. lat., 151°53'12" W. long., to 60°21'45" N. lat., 152°04'03" W. long.

(v) From 60°21'44" N. lat., 152°03'39" W. long., to 60°30'28" N. lat., 151°56'48" W. long.

(3) Waters along the east coast:

(i) From the northern boundary of the district to 60°46'04" N. lat., 151°15'28" W. long.

(ii) From 60°45'52" N. lat., 151°15'27" W. long., to 60°44'46" N. lat., 151°17'10" W. long.

(iii) From 60°44'41" N. lat., 151°17'31" W. long., to 60°44'32" N. lat., 151°18'05" W. long.

(iv) From 60°44'29" N. lat., 151°18'28" W. long., to 60°40'03" N. lat., 151°22'34" W. long.

(v) From 60°39'53" N. lat., 151°22'21" W. long., to 60°39'38" N. lat., 151°22'02" W. long.

(vi) From 60°39'28" N. lat., 151°21'51" W. long., to 60°39'02" N. lat., 151°21'27" W. long.

(vii) From 60°38'50" N. lat., 151°21'20" W. long., to 60°38'21" N. lat., 151°21'02" W. long.

(viii) From 60°38'09" N. lat., 151°20'56" W. long., to 60°37'52" N. lat., 151°20'47" W. long.

(ix) From 60°37'40" N. lat., 151°20'42" W. long., to 60°37'15" N. lat., 151°20'33" W. long.

(x) From 60°37'03" N. lat., 151°20'33" W. long., to 60°36'33" N. lat., 151°20'26" W. long.

(xi) From 60°36'21" N. lat., 151°20'22" W. long., to 60°35'57" N. lat., 151°20'14" W. long.

(xii) From 60°35'45" N. lat., 151°20'10" W. long., to the northern Bureau marker at the mouth of the Kenai River.

(xiii) From the southern Bureau marker at the mouth of the Kenai River to 60°29'11" N. lat., 151°16'43" W. long.

(xiv) From 60°28'59" N. lat., 151°16'-44" W. long., to 60°28'34" N. lat., 151°-16'48" W. long.

(xv) From 60°28'22" N. lat., 151°16'-49" W. long., to 60°27'55" N. lat., 151°16'51" W. long.

(xvi) From 60°27'43" N. lat., 151°16'-51" W. long., to 60°27'23" N. lat., 151°16'51" W. long.

(xvii) From 60°27'11" N. lat., 151°16'-52" W. long., to 60°26'53" N. lat., 151°16'51" W. long.

(xviii) From 60°26'41" N. lat., 151°-16'54" W. long., to 60°26'24" N. lat., 151°17'00" W. long.

(xix) From 60°26'12" N. lat., 151°17'-04" W. long., to the northern Bureau marker at the mouth of the Kasilof River.

(xx) West of the Kasilof River mouth at least 1 statute mile.

(d) *Areas open to set nets, South Central district.* The use of any set net is prohibited, except in the following areas:

(1) Waters along the west coast:

(i) From 60°16'11' N lat., 152°29'54" W. long., to 60°14'14" N. lat., 152°32'37" W. long., and from 60°13'25" N. lat., 152°34'39" W. long., to the latitude of Chisik Island Light.

(ii) Near Muddy River from 60°01'19" N. lat., 152°36'15" W. long., to 59°58'35" N. lat., 152°40'00" W. long.

(iii) In Chinitna Bay from 59°52'29" N. lat., 152°56'58" W. long., to 59°51'31" N. lat., 153°06'57" W. long.

(iv) In Chinitna Bay from 59°49'27" N. lat., 153°08'57" W. long., to 59°49'40" N. lat., 153°00'15" W. long.

(2) Chisik Island, except between 60°08'27" N. lat., 152°33'29" W. long., and 60°08'14" N. lat., 152°33'34" W. long.

(3) Waters along the east coast:

(i) From the southern Bureau marker at the mouth of the Kasilof River to 60°20'06" N. lat., 151°22'56" W. long.

(ii) From 60°19'54" N. lat., 151°22'50" W. long., to 60°16'49" N. lat., 151°23'01" W. long.

(iii) From 60°16'37" N. lat., 151°23'-03" W. long., to 60°16'16" N. lat., 151°23'10" W. long.

(iv) From 60°16'04" N. lat., 151°23'-16" W. long., to 60°15'04" N. lat., 151°23'35" W. long.

(v) From 60°14'52" N. lat., 151°23'40" W. long., to 60°13'14" N. lat., 151°24'45" W. long.

(vi) From 60°13'04" N. lat., 151°24'-56" W. long., to 60°12'46" N. lat., 151°25'19" W. long.

(vii) From 60°12'36" N. lat., 151°25'-32" W. long., to 60°11'25" N. lat., 151°27'20" W. long.

(viii) From 60°11'15" N. lat., 151°27'-34" W. long., to 60°10'27" N. lat., 151°28'41" W. long.

(ix) From 60°10'17" N. lat., 151°28'-53" W. long., to 60°09'50" N. lat., 151°29'30" W. long.

(x) From 60°09'40" N. lat., 151°29'-42" W. long., to 60°09'24" N. lat., 151°30'04" W. long.

(xi) From 60°09'14" N. lat., 151°30'-16" W. long., to 60°08'59" N. lat., 151°30'35" W. long.

(xii) From 60°08'49" N. lat., 151°30'-49" W. long., to 60°08'01" N. lat., 151°31'58" W. long.

(xiii) From 60°07'53" N. lat., 151°32'-14" W. long., to 60°07'09" N. lat., 151°33'48" W. long.

(xiv) From 60°07'01" N. lat., 151°34'-06" W. long., to 60°06'36" N. lat., 151°34'57" W. long.

(xv) From 60°06'28" N. lat., 151°35'-15" W. long., to 60°06'11" N. lat., 151°35'56" W. long.

(xvi) From 60°06'03" N. lat., 151°36'-13" W. long., to 60°05'31" N. lat., 151°37'13" W. long.

(xvii) From 60°05'20" N. lat., 151°37'-24" W. long., to 60°05'01" N. lat., 151°37'43" W. long.

(xviii) From 60°04'51" N. lat., 151°-37'55" W. long. to the latitude of the Bureau marker marking the northern limit of the closed area at the mouth of Ninilchik River.

§ 109.34 Closed waters.

Fishing is prohibited as follows:

(a) Within 1 statute mile of the terminuses of the following salmon streams: Kenai River, Kasilof River, Swanson Creek, Bishop Creek, Ninilchik River, Deep Creek, Starichkof River, Anchor Point River, Little Susitna River, Susitna River, Ivan River, Lewis River, Theodore River, Beluga River, Threemile Creek, Chuit River, Nikolai River, McArthur River, Kustatan River, Katnu River, Drift River, and Kalgin Island Stream on the east coast of Kalgin Island, Grecian River;

(b) Turnagain Arm and Knik Arm: East of a line from 61°02'21" N. lat., 150°23'38" W. long. to West Point Light on Fire Island, thence along the eastern shore of Fire Island to North Point, thence to 61°14'21" N. lat., 149°59'33" W. long.

(c) Kamishak Bay: Within one statute mile of any salmon stream.

(d) Kachemak Bay: Above a line from Chugachik Island to a point on the opposite shore one-half mile below the terminus of Swift Creek.

(e) Seldovia Bay: Inside Powder Island.

(f) Chinitna Bay: West of a line from 59°51'31" N. lat., 150°08'10" W. long. to 59°49'27" N. lat., 150°06'57" W. long.

(g) Iniskin Bay: (1) North of 59°-43'55" N. lat.;

(2) All waters of the Right Arm.

(h) Cottonwood Bay: West of 153°-39'00" W. long.

(i) In any bay, estuary, slough, or lagoon less than 300 feet in width at mean low tide.

HERRING FISHERY

§ 109.50 Seasons.

Fishing, except for bait and except by gill nets, is prohibited except from June 15 to October 15.

§ 109.51 Gear restrictions.

(a) *Halibut Cove.* Fishing, including the waters within a line from the western end of Ismailof Island to the outermost point on Glacier Spit, is limited to gill nets.

(b) *Halibut Cove Lagoon.* Fishing is limited to set gill nets not exceeding 50 fathoms in length, hung measure. Nets shall be not less than 150 yards apart.

§ 109.53 Closed waters.

Fishing is prohibited prior to October 1 in all waters closed throughout the year to salmon fishing.

§ 109.54 Waters closed to purse seines.

Purse seines are prohibited in Kachemak Bay within a line from Nubble Point to Bluff Point.

SHELLFISH FISHERY

§ 109.70 Closed season, razor clams.

From July 10 to August 31, inclusive.

§ 109.74 Closed season, king crabs.

Fishing for or taking king crabs, except by pots, will be prohibited from approximately mid-April to late May each year. Precise dates will be announced by special amendment to these regulations in conformance with field observations on the moulting condition of the crabs.

§ 109.75 Closed season, Dungeness crabs.

Fishing is prohibited from June 1 to August 14, inclusive.

§ 109.77 Gear restrictions, king crab fishery.

(a) King crab shall be fished for, or taken, in Kachemak Bay east of the longitude of Anchor Point with pots only.

(b) No individual or boat shall operate more than 15 crab pots.

(c) The float of each crab pot shall be plainly and legibly marked with the permanent Bureau registration number and all pots fished under a single registration shall be consecutively numbered, starting with the number one.

PERSONAL USE FISHERY

§ 109.90 Gear restrictions.

Personal use fishing for salmon is prohibited, except (a) in conformity with commercial regulations in all areas open to commercial fishing and (b) with hand rod, hook and line in fresh water and in those salt water areas closed to commercial salmon fishing throughout the year: *Provided,* That set nets may be used in the main stem of the Susitna River above the town of Alexander if they are (1) less than 30 feet in length, (2) more than 100 yards from any other set net and from any tributary stream and (3) identified with the name and address of the owner.

§ 109.92 Closed waters.

Fishing for, taking or molesting any salmon by any means, or for any purpose is prohibited in:

(a) Cooper Creek.

(b) The Kenai and lower Russian Rivers within 300 yards of their confluence, and within 100 yards of the falls on lower Russian River.

(d) The following streams above markers placed approximately as described:

(1) Anchor River, 3 miles above mouth.

(2) Stariski Creek, 4 miles above mouth.

(3) Deep Creek, 3 miles above mouth.

(4) Ninilchik River, 5 miles above mouth.

(5) Bird Creek, 1 mile above mouth.
(6) Campbell Creek, 4 miles above mouth.
(7) Ship Creek, 2 miles above mouth.
(8) Eagle River, 6 miles above mouth.
(9) Peters Creek, 3 miles above mouth.
(10) Willow Creek, 1 mile north of Alaska Railroad.
(11) Little Willow Creek, 1 mile north of Alaska Railroad.
(12) Montana Creek, 1 mile north of Alaska Railroad.

§ 109.94 Bag limit, salmon.

(a) In salt water in conformance with commercial regulations: no limit.
(b) In areas closed throughout the year to commercial salmon fishing: 2 fish 16 inches or more in length and 10 fish under 16 inches in length.

§ 109.95 Closed season, razor clams.

From July 10 to August 31 inclusive.

PART 110—RESURRECTION BAY AREA

Sec.
110.1 Definition.

SALMON FISHERY

110.2 Definitions, fishing districts.
110.5 Seasons.
110.9 Weekly closed periods.
110.10 Purse seines prohibited.
110.11 Aggregate length of gill nets.
110.12 Size of mesh, gill nets.
110.15 Size ond operation of set nets.
110.19 Size of beach seines.
110.34 Closed waters.

HERRING FISHERY

110.50 Season.
110.53 Closed waters.

PERSONAL USE FISHERY

110.90 Gear restrictions.
110.92 Closed waters.
110.94 Bag limit, salmon.

AUTHORITY: §§ 110.1 to 110.94 issued under sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221.

§ 110.1 Definition.

The Resurrection Bay area includes all waters of Alaska in the Gulf of Alaska between Point Gore and Cape Fairfield.

SALMON FISHERY

§ 110.2 Definitions, fishing districts.

(a) *Eastern district.* All waters east of 149°30′ W. long.
(b) *Western district.* All waters west of 149°30′ W. long.

§ 110.5 Seasons.

(a) Eastern district from 9 a.m. August 3 to 6 p.m. September 12, (b) Western district, from 9 a.m. July 2 to 9 a.m. August 8.

§ 110.9 Weekly closed periods, Western District.

The weekly closed period is extended as follows: from 9 a.m. Saturday to 9 a.m. Monday and 9 a.m. Wednesday to 9 a.m. Thursday.

§ 110.10 Purse seines prohibited.

The use of any purse seine is prohibited.

§ 110.11 Aggregate length of gill nets.

The aggregate length of gill nets on, or in use by any boat, shall not exceed 200 fathoms hung measure.

§ 110.12 Size of mesh, gill nets.

Gill net mesh shall not be less than 5½ inches stretched measure.

§ 110.15 Size and operation of set nets.

No set net shall exceed 300 yards in length, and each shall be set in substantially a straight line: *Provided,* That not to exceed 20 yards of each net may be used as a single hook. There shall be a distance interval of at least 200 yards, both endwise and laterally, between all set nets.

§ 110.19 Size of beach seines.

No beach seine shall be less than 125 meshes in depth or less than 90 fathoms in length hung measure. For the purpose of determining the depth of seines, measurements will be on the basis of 3½ inches stretched measure between knots.

§ 110.34 Closed waters.

Fishing is prohibited north of a line from the southeast corner of the Alaska Railroad dock to the southwest corner of the Alaska Freight Line dock.

HERRING FISHERY

§ 110.50 Season.

Fishing, except for bait and except by gill nets, is prohibited except from June 15 to October 15.

§ 110.53 Closed waters.

From July 1 to October 1, inclusive, fishing, including bait fishing, is prohibited in all waters closed throughout the year to salmon fishing.

PERSONAL USE FISHERY

§ 110.90 Gear restrictions.

Personal use fishing for salmon is prohibited, except (a) in conformity with commercial regulations in all areas open to commercial fishing and (b) with hand rod, hook and line in fresh water and in those salt water areas closed to commercial salmon fishing throughout the year.

§ 110.92 Closed waters.

Fishing for, taking or molesting any salmon is prohibited in Bear Creek and Lake, Grouse Creek and Lake, and Salmon Creek, prior to 6 a.m. August 15.

§ 110.94 Bag limit, salmon.

(a) In salt water in conformance with commercial regulations: no limit.
(b) In areas closed throughout the year to commercial salmon fishing: 2 fish 16 inches or more in length and 10 fish under 16 inches in length.

PART 111—PRINCE WILLIAM SOUND AREA

Sec.
111.1 Definition.

SALMON FISHERY

111.2 Definitions, fishing districts.
111.5 Seasons.

HERRING FISHERY

Sec.
111.50 Season.
111.53 Closed waters.

SHELLFISH FISHERY

111.70 Closed season, razor clams.
111.73 Maximum take, razor clams.
111.75 Closed seasons; Dungeness crabs.
111.78 Limitation of crab pots.
111.79 Identification of crab pots.
111.80 Crab pot opening.

PERSONAL USE FISHERY

111.92 Gear restriction, salmon.
111.96 Closed season, razor clams.

AUTHORITY: §§ 111.1 to 111.96 issued under sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221.

§ 111.1 Definition.

The Prince William Sound area includes all waters of Alaska between Cape Fairfield and Point Whitshed.

SALMON FISHERY

§ 111.2 Definitions, fishing districts.

(a) Eshamy district: Within one mile of the mainland shore from the outer point on the north shore of Granite Bay to the light on the south shore of the entrance to Port Nellie Juan.
(b) General district: The area other than the Eshamy district.

§ 111.5 Seasons.

Fishing, except trolling, is prohibited throughout the area during 1959.

HERRING FISHERY

§ 111.50 Season.

Fishing, except for bait and except by gill nets, is prohibited except from June 15 to October 15.

§ 111.53 Closed waters.

(a) From July 1 to October 1, inclusive, fishing is prohibited in all waters closed throughout the year to salmon fishing in 1958.
(b) *Tatitlek village.* Fishing is prohibited within 1 statute mile of Tatitlek village.

SHELLFISH FISHERY

§ 111.70 Closed season, razor clams.

From July 1 to August 15, inclusive.

§ 111.73 Maximum take, razor clams.

(a) *January 1 to June 30.* There shall not be taken in the Prince William Sound and Copper River areas a combined total of more than 1,470,000 pounds of razor clams, including shells, or 42,000 cases upon the basis of 48 one-half pound cans per case. Not to exceed 175,000 pounds, including shells, or 5,000 cases upon the basis of 48 one-half pound cans per case, shall be taken prior to April 15.
(b) *August 16 to December 31.* There shall not be taken in the Prince William Sound and Copper River areas a combined total of more than 35,000 pounds of razor clams, including shells, or 1,000 cases upon the basis of 48 one-half pound cans per case.

§ 111.75 Closed season, Dungeness crabs.

Fishing is prohibited north of 60°22′ N. lat., and east of 146°40′ W. long. from 12 o'clock noon, June 1, to 12 o'clock noon, August 31.

§ 111.78 Limitation of crab pots.

No boat shall operate or assist in operating more than 100 crab pots north of 60°22′ N. lat. and east of 146°40′ W. long.

§ 111.79 Identification of crab pots.

The float of each crab pot shall carry the name or initials of the operator in such manner that the ownership can be readily determined.

§ 111.80 Crab pot opening.

An escape hole of sufficient size and so located as to permit the escape of female and undersized male crabs shall be provided in each crab pot.

PERSONAL USE FISHERY

§ 111.92 Gear restriction, salmon.

Personal use fishing with gill net or seine is prohibited.

§ 111.96 Closed season, razor clams.

From July 1 to August 15, inclusive.

PART 112—COPPER RIVER AREA

Sec.
112.1 Definition.

SALMON FISHERY

112.5 Seasons.
112.9 Weekly closed period.
112.10 Limited to drift gill nets.
112.11 Size of gill nets.
112.13 Marking of gill nets.
112.34 Closed waters.

SHELLFISH FISHERY

112.70 Seasons, razor clams.
112.72 Maximum take, razor clams.
112.79 Identification of crab pots.
112.80 Crab pot opening.

PERSONAL USE FISHERY

112.92 Closed waters.
112.96 Closed season, razor clams.

AUTHORITY: §§ 112.1 to 112.96 issued under sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221.

§ 112.1 Definition.

The Copper River area includes all waters of Alaska between Point Whitshed and Point Martin.

SALMON FISHERY

§ 112.5 Seasons.

Fishing is prohibited except from 6 a.m. May 4 to 6 p.m. September 18.

§ 112.9 Weekly closed period.

Prior to August 10 fishing is prohibited from 6 a.m. Wednesday to 6 p.m. Thursday, and from 6 a.m. Saturday to 6 a.m. Monday.

§ 112.10 Limited to drift gill nets.

Fishing shall be conducted solely by drift nets.

§ 112.11 Size of gill nets.

No boat shall fish or assist in fishing with gill nets having an aggregate length, hung measure, in excess of 150 fathoms, except that not more than two boats when operating together may have on board gill nets having an aggregate length, hung measure, of not to exceed 300 fathoms: *Provided,* That from May 4 to May 30, inclusive, any boat may fish with an additional 100 fathoms of gill net if the mesh is not less than 8½ inches stretched measure.

§ 112.13 Marking of gill nets.

Each drift net in operation shall have a suitable bright red keg, buoy, or cluster of floats at each end which shall be plainly and legibly marked with the initials of the operator, and bright red double floats shall be attached to the cork line at 25-fathom intervals.

§ 112.34 Closed waters.

Fishing is prohibited prior to August 10 within 500 yards of the Grass Banks; at all times within sloughs and within 500 yards of their terminuses, and north of a line from Cottonwood Point through Kokenhenik Island to the west shore of Kokenhenik Channel.

SHELLFISH FISHERY

§ 112.70 Closed season, razor clams.

From July 1 to August 15, inclusive.

§ 112.72 Maximum take, razor clams.

(a) *January 1 to June 30.* There shall not be taken in the Prince William Sound and Copper River areas a combined total of more than 1,470,000 pounds of razor claims, including shells, or 42,000 cases upon the basis of 48 one-half pound cans per case. Not to exceed 175,000 pounds, including shells, or 5,000 cases upon the basis of 48 one-half pound cans per case, shall be taken prior to April 15.

(b) *August 16 to December 31.* There shall not be taken in the Prince William Sound and Copper River areas a combined total of more than 35,000 pounds of razor clams, including shells, or 1,000 cases upon the basis of 48 one-half pound cans per case.

§ 112.79 Identification of crab pots.

The float of each crab pot set for fishing shall carry the name or initials of the operator in such manner that the ownership thereof can be readily determined.

§ 112.80 Crab pot opening.

An escape hole of sufficient size and so located as to permit the escape of female and undersized male crabs shall be provided in each crab pot.

PERSONAL USE FISHERY

§ 112.92 Closed waters.

Fishing for, taking, or molesting any salmon by any means, or for any purpose, is prohibited in all water of Gulkana River and all its tributaries above Gulkana Lake.

§ 112.96 Closed season, razor clams.

From July 1 to August 15, inclusive.

PART 113—BERING RIVER-YAKATAGA AREA

Sec.
113.1 Definition.

SALMON FISHERY

113.2 Definitions, fishing districts.
113.5 Seasons.
113.9 Weekly closed period.
113.10 Gear restriction.
113.11 Aggregate length and operation of drift gill nets.
113.13 Marking of gill nets.
113.34 Closed waters.

SHELLFISH FISHERY

113.70 Closed season, razor clams.
113.71 Maximum take, razor clams.

PERSONAL USE FISHERY

113.96 Closed season, razor clams.

AUTHORITY: §§ 113.1 to 113.96 issued under sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221.

§ 113.1 Definition.

The Bering River-Yakataga area includes all waters of Alaska between Point Martin and Icy Cape.

SALMON FISHERY

§ 113.2 Definitions, fishing districts.

(a) *Bering River district.* All waters between Point Martin and Cape Suckling.

(b) *Yakataga district.* All waters between Cape Sucklin and Icy Cape.

§ 113.5 Seasons.

Fishing is prohibited except: (a) Bering River district, from 6 a.m. May 4 to 6 p.m. September 18, (b) Yakataga district, from 6 a.m. August 10 to 6 p.m. September 18.

§ 113.9 Weekly closed period.

Fishing is prohibited from 6 a.m. Saturday to 6 a.m. Monday, and from 6 a.m. Wednesday to 6 p.m. Thursday: *Provided,* That these restrictions shall not apply in the Bering River district after August 9.

§ 113.10 Gear restrictions.

(a) *Bering River district.* Fishing shall be conducted solely by drift nets.

(b) *Yakataga district.* Fishing shall be conducted solely by trolling or with set nets which shall be operated in substantially a straight line.

§ 113.11 Aggregate length and operation of drift gill nets.

(a) *Bering River district.* No boat shall fish or assist in fishing with gill nets having an aggregate length, hung measure, in excess of 150 fathoms, except that not more than two boats when operating together may have on board gill nets having an aggregate length, hung measure, of not to exceed 300 fathoms: *Provided,* That from May 4 to May 30, inclusive, any boat may fish with an additional 100 fathoms of gill net if the mesh is not less than 8½ inches stretched measure.

(b) *Yakataga district.* Set nets shall not exceed 25 fathoms per net or 25 fathoms aggregate per person.

§ 113.13 Marking of gill nets.

Each drift net in operation shall have a suitable bright red keg, buoy or cluster

of floats at each end which shall be plainly and legibly marked with the initials of the operator, and bright red double floats shall be attached to the cork line at 25-fathom intervals.

§ 113.34 Closed waters in the Bering River district.

Fishing is prohibited east of a line from 60°11'20" N. lat., 144°17'33" W. long., to 60°09'43" N. lat., 144°15' W. long.

SHELLFISH FISHERY

§ 113.70 Closed season, razor clams.

From July 1 to August 15, inclusive.

§ 113.71 Maximum take, razor clams.

There shall not be taken a combined total of more than 160,000 pounds of razor clams, including shells, or 4,000 cases upon the basis of 48 one-half pound cans per case.

PERSONAL USE FISHERY

§ 113.96 Closed season, razor clams.

From July 1 to August 15, inclusive.

PART 114—YAKUTAT AREA

Sec.
114.1 Definition.

SALMON FISHERY

114.5 Seasons.
114.6 Seasons, trolling.
114.9 Weekly closed periods.
114.10 Gear restrictions, exceptions.
114.11 Size of set nets, exceptions.
114.13 Marking of set nets.
114.34 Closed waters.

AUTHORITY: §§ 114.1 to 114.34 issued under sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221.

§ 114.1 Definition, Yakutat area.

The Yakutat area includes all waters of Alaska between Cape Fairweather and Icy Cape.

SALMON FISHERY

§ 114.5 Seasons.

Fishing, other than trolling, is prohibited except as follows:

(a) *Alsek River.* From 6 a.m. June 1 to 6 p.m. September 30.

(b) *Situk-Ahrnklin Inlet.* From 6 a.m. June 22 to 6 p.m. September 30.

(d) *Remainder of the Yakutat area.* From 6 a.m. June 29 to 6 p.m. September 30.

(e) *Yakutat Bay.* From 6 a.m. June 15 to 6 p.m. September 30.

§ 114.6 Seasons, trolling.

Trolling is prohibited from 6 p.m. September 20 to 6 a.m. April 15.

§ 114.9 Weekly closed periods.

(a) *Prior to August 10.* From 6 p.m. Thursday to 6 a.m. Monday, except that the closure on the Alsek River shall be from 6 p.m. Friday to 6 a.m. Monday.

(b) *After August 9.* From 12 noon Saturday to 12 noon Monday.

§ 114.10 Gear restrictions, exceptions.

Fishing is prohibited other than by trolling or with set nets, which shall be operated in substantially a straight line, except that set nets in Disenchantment and Yakutat Bays may have not to exceed 15 fathoms of their length used as a single hook.

§ 114.11 Size of set nets, exceptions.

No set net shall exceed 16 feet in depth, hung measure. The individual and aggregate lengths of any and all gill nets aboard any fishing boat or in use by any person shall not exceed in hung measure the following:

(a) *Disenchantment and Yakutat Bays.* 75 fathoms each net and 75 fathoms aggregate.

(b) *Situk-Ahrnklin Inlet; Italio, Lost and Yahtze Rivers; and Manby Stream.* 25 fathoms each net and 25 fathoms aggregate: *Provided,* That in Divide Slough nets shall not exceed 15 fathoms each or 15 fathoms aggregate.

(c) *Akwe Inlet; and Dangerous, Alsek, Dohn and East Rivers.* 25 fathoms each net and 75 fathoms aggregate.

(d) *General.* Other waters, including the surf line beyond the outermost bars at mean low tide; 15 fathoms each net and 15 fathoms aggregate.

§ 114.13 Marking of set nets.

Each set net in operation shall be marked by clusters of bright red floats or corks at both ends, each cluster to be legibly marked with the initials of the operator.

§ 114.34 Closed waters.

Fishing is prohibited as follows:

(a) *Alsek River.* Above a point on the Alsek River approximately 2½ miles below the "Basin".

(b) *Situk River.* At the marker approximately ½ mile west of Strawberry Point to the cut bank on the eastern side of the terminus of Johnson Slough.

(c) *Ankau Inlet.*

(d) *Italio River.* Above the markers.

(e) *Dohn River.* Above the markers at approximately ½ mile upstream.

(f) *East River.* Above the markers at approximately ½ mile upstream prior to August 10, and 5 miles upstream after August 9.

(g) *Akwe River.* Above the markers at approximately 6½ miles upstream.

(h) *Lost River.* Above the markers approximately 500 yards above the outermost tree line on the west bank.

PART 115—SOUTHEASTERN ALASKA AREA

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115.1 Definition.

SALMON FISHERY

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115.92 Closed waters.
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AUTHORITY: §§ 115.1 to 115.94 issued under sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221.

§ 115.1 Definition, Southeastern Alaska area.

The Southeastern Alaska area includes all waters of Alaska in southeastern Alaska between Cape Fairweather and Dixon entrance.

SALMON FISHERY

§ 115.2 Definitions, fishing districts and sections.

(a) *Icy Strait district.* Within a line from a point at 58°07'20" N. lat. 136°-51' W. long. to Column Point, thence southerly following the watershed along the east side of Lisianski Inlet to 58° N. lat., thence to and along the north shore of Tenakee Inlet to Portage, thence following the watershed to the light at Point Augusta, including all waters of Port Frederick, thence to the southeastern extremity of Point Couverden, thence to Mount Harris, thence following the international boundary to Mount Fairweather, thence to Cape Fairweather at 58°49' N. lat., 138° W. long., thence to the point of beginning. Fishing sections:

(1) Western: West of the longitude of Point Carolus.

(2) Eastern: East of the longitude of Point Carolus.

(b) *Western district.* Within a line from a point at 56°06' N. lat., 134°51' W. long., to a point at 57° N. lat., 136°04' W. long., thence to a point at 58°07'20" N. lat., 136°51' W. long., thence to Column Point, thence following the watershed along the east side of Lisianski Inlet to 58°N. lat., thence to and along the north shore of Tenakee Inlet to Portage, thence following the watershed to the light at Point Augusta, excluding all waters of Port Frederick, thence to the southeastern extremity of Point Couverden, thence to Mount Harris, thence following the international boundary to Mount Ogilvie, thence to the northern extremity of Shelter Island, thence to the northern extremity of Mansfield Peninsula, thence following the watersheds on Mansfield Peninsula and Admiralty Island to the southern extremity of Point Gardner, thence west to the watershed on Baranof Island, thence following the watershed to the southern extremity of Cape Ommaney, thence to the point of beginning. Fishing sections:

(1) Northern section:

(i) North of Sullivan Island; North of a true east and west line through the northern extremity of Sullivan Island.

(ii) South of Sullivan Island: Between a true east and west line through the

northern extremity of Sullivan Island and a true line eastward from the southeastern extremity of Point Couverden.

(2) Central section: Between a true line eastward from the southeastern extremity of Point Couverden and a true line eastward from the northeastern extremity of South Passage Point.

(3) Southern section: South of a true line eastward from South Passage Point, and east of Rapids Island in Sergius Narrows, Peril Strait, including Hoonah Sound.

(4) Western section: West of Rapids Island in Sergius Narrows, Peril Strait, and including waters on the west coasts of Chichagof and Baranof Islands.

(c) *Eastern district.* Within a line following the latitude of Cape Decision easterly to Cape Decision, thence following the watershed on Kuiu Island to 56°40′ N. lat., 133°44′15″ W. long., thence east across Keku Strait, thence across Kupreanof Island, passing north of Duncan Canal, to 56°54′ N. lat., thence to Horn Cliffs, thence to Castle Mountain, thence following the international boundary to Mount Ogilvie, thence to the northern extremity of Shelter Island, thence to the northern extremity of Mansfield Peninsula, thence following the watersheds on Mansfield Peninsula and Admiralty Island to the southern extremity of Point Gardner, thence west to the watershed on Baranof Island, thence following the watershed to Cape Ommaney, thence the latitude of Cape Ommaney projected westward. Fishing sections:

(1) Taku Inlet-Port Snettisham section: Within a line from Point Bishop to 58°11′28″ N. lat., 134°5′ W. long., and northeast of a line from Point Styleman to Point Anmer.

(2) Southern section: All waters south of a line from Point Ellis to Patterson Point.

(3) General section: All waters not otherwise described.

(d) *Stikine district.* Within a line commencing at Castle Mountain and passing successively through Horn Cliffs, Frederick Point, Point Alexander, Low Point, Drag Island, Chichagof Peak, Hour Point, Babbler Point, and Mount Cote.

(e) *Sumner Strait district.* Within a line commencing at Mount Cote and passing successively through Babbler Point, Hour Point, Chicagof Peak, Drag Island, Low Point, Point Alexander, Frederick Point Horn Cliffs, Kupreanof Island east shore at 56°54′ N. lat., the northernmost end of Duncan Canal, Keku Strait at 56°40′ N. lat., the watershed of Kuiu Island, and the latitude of Cape Decision projected westerly; and a line following the watershed of Cleveland Peninsula from the International Boundary to Union Point and passing successively through Ernest Point, the southernmost point on Etolin Island, the watershed of Etolin Island, Point Harrington, the northern end of East Island, the southern end of West Island, Prince of Wales Island east shore at 56°09′15″ N. lat., El Capitan Passage at 56°07′36″ N. lat., the watershed of Kosciusko Island, the southernmost point on Kosciusko Island, Wood Island, and the latitude of Wood Island projected westerly. Fishing sections:

(1) Anan section: Ernest Sound, Bradfield Canal, and contiguous waters, excluding Zimovia Strait northwest of a line from Thorne Point to an unnamed islet at 56°06′10″ N. lat., 132°06′ W. long.

(2) General section: All other waters of the district.

(f) *Clarence Strait district.* Within a line from 54°44′21″ N. lat., 132°18′36″ W. long., near Point Marsh, thence south to the international boundary at 132°20′ W. long., thence east along the international boundary to 131° W. long., thence to Mary Island light, Hog Rocks light, Bold Island light, Race Point, thence to the southern extremity of Gravina Point, thence to the northern extremity of Vallenar Point, thence to Point Higgins, thence along the watershed of Revillagigedo Island to Claude Point, Point Lees, Mount Lewis Cass, thence along the watershed to 55°45′30″ N. lat., 132° W. long., thence through Union Point to Ernest Point, thence to 55°54′45″ N. lat., 132°21′ W. long., thence along the watershed of Etolin Island to 56°09′45″ N. lat., 132°37′15″ W. long., thence to 56°06′ N. lat., 132°37′15″ W. long., thence along the watershed to Point Harrington, thence to the northern extremity of East Island, thence to the southern extremity of West Island, thence to 56°09′15″ N. lat., 133°02′45″ W. long., thence southerly along the watershed of Prince of Wales Island to the point of beginning. Fishing sections:

(1) Northern section: North of a line from Narrow Point to Ernest Point.

(2) Central section: Between a line from Narrow Point to Ernest Point and a line from Approach Point to Caamano Point.

(3) Southeast section: South of a line from Approach Point to Caamano Point and east of a line down the middle of Clarence Strait, excluding the North Arm of Behm Canal.

(4) Southwest section: South of a line from Approach Point to Caamano Point and west of a line down the middle of Clarence Strait.

(5) North Behm Canal section: Between a line from Caamano Point to Point Higgins and a line from Point Lees to Claude Point.

(g) *West Coast district.* Within a line from 55°40′ N. lat., 134°17′10″ W. long., thence to 55°25′30″ N. lat., 134° W. long., thence to 54°40′ N. lat., 133°35′ W. long., thence to Cape Muzon, thence along the international boundary to 132°20′ W. long., thence to 54°44′21″ N. lat., 132°18′36″ W. long., thence along the watershed of Prince of Wales Island to 56°07′36″ N. lat., thence to the east coast of Kosciusko Island, thence along the watershed of Kosciusko Island to 133°43′ W. long., thence to 55°40′ N. lat., thence to the point of beginning.

(h) *Southern district.* Within a line following the international boundary from 131 degrees west longitude to Mount Lewis Cass, thence to Point Lees, Claude Point, along the watershed of Revillagigedo Island to Point Higgins to Vallenar Point along the watershed of Gravina Island to Gravina Point, Race Point, Bold Island light, Hog Rocks light, Mary Island light, and to the point of beginning. Fishing sections:

(1) Portland Canal: Portland and Pearse Canals and contiguous waters between the Canadian boundary and a line from Akeku Point passing successively through Male Point, Dark Point, High Point, Tongass Reef light, Katakwa Point, Garnet Point and south to the international boundary.

(2) General section: All waters of the district not included in the Portland Canal section.

§ 115.3 Registration.

(a) During any season open specifically for chum salmon fishing, or for drift net fishing along the northeast shore of Prince of Wales Island, no boat shall fish in, or depart after fishing, any such waters without first notifying the local representative of the Bureau, and submitting his boat for inspection when requested.

(b) From July 6 to July 25, inclusive, all seine boats must be registered with the local representative of the Bureau, (1) before fishing in the area west of a line from Cape Muzon projected through Cape Ulitka, and (2) before leaving the West Coast district with salmon aboard.

§ 115.5 Seasons, weekly closed periods.

(a) *Icy Strait district.* Fishing, other than trolling, is prohibited except (1) in the Western section from 6 a.m. June 24 to 6 p.m. August 1, and (2) in the Eastern section from 6 a.m. June 24 to 6 p.m. August 8. Except on August 1 in the Western section and on August 8 in the Eastern section, the weekly closed period, except for trolling, is from 6 p.m. Friday to 6 a.m. Monday.

(b) *Western district.*

(1) Northern section: (i) North of Sullivan Island: Fishing, other than trolling, is prohibited except from 12 noon June 24 to 12 noon October 9. The weekly closed period is from 12 noon Friday to 12 noon Monday; (ii) south of Sullivan Island: Fishing, other than trolling, is prohibited except from 6 a.m. June 24 to 6 p.m. August 15. Prior to August 12 the weekly closed period, except for trolling, is from 6 p.m. Friday to 6 a.m. Monday: *Provided,* That these prohibitions shall not apply to the use of gill nets in Berners Bay, northeast of a line from Point St. Mary to Point Bridget, from 12 noon September 1 to 12 noon September 30, with a weekly closed period from 12 noon Friday to 12 noon Monday.

(2) Central and Southern sections: Fishing, other than trolling, is prohibited except from 6 a.m. June 24 to 6 p.m. August 15. Prior to August 12 the weekly closed period, except for trolling, is from 6 p.m. Friday to 6 a.m. Monday.

(3) Western section: Fishing, other than trolling, is prohibited except from 6 a.m. June 24 to 6 p.m. August 22. Prior to August 20 the weekly closed period, except for trolling, is from 6 p.m. Friday to 6 a.m. Monday.

(c) *Eastern district.* Fishing, other than trolling, is prohibited, except: (1) Taku Inlet-Port Snettisham section: With drift nets from 12 noon May 4 to 12 noon September 30. The weekly

closed period is from 12 noon Thursday to 12 noon Monday; (2) Southern section: From 6 a.m. June 24 to 6 p.m. August 22. Prior to August 20 the weekly closed period, except for trolling, is from 6 p.m. Friday to 6 a.m. Monday; (3) General section: From 6 a.m. June 24 to 6 p.m. August 15. Prior to August 12 the weekly closed period, except for trolling, is from 6 p.m. Friday to 6 a.m. Monday.

(d) *Stikine district.* Fishing is prohibited, except from 12 noon May 4 to 12 noon September 30 during which season the weekly closed period shall be from 12 noon Thursday to 12 noon Monday: *Provided,* That these prohibitions shall not apply to trolling from October 1 to April 30 inclusive.

(e) *Sumner Strait district.*

(1) Anan section: Fishing, except trolling, is prohibited except from 6 a.m. July 13 to 6 p.m. August 15. Prior to August 12 the weekly closed period, except for trolling, is from 6 p.m. Friday to 6 a.m. Monday.

(2) General section, exception: Fishing, except trolling, is from 6 a.m. July 20 to 6 p.m. August 22. Prior to August 20 the weekly closed period, except for trolling, is from 6 p.m. Friday to 6 a.m. Monday: *Provided,* That the above prohibitions do not apply to drift nets, from 6 a.m. June 15 to 6 p.m. July 18 in open fishing waters lying between Prince of Wales Island and a line extending from the shoreline at 133°21'30" W. long. and passing successively through the Eye Opener light, Rookery Island light, northwest extremity of Bushy Island, northern extremity of Blashke Island, Deichman Rock, 2 miles northeast from Luck Point and terminating at Luck Point. Part of these special gill-net waters lie in the northern section of the Clarence Strait district.

(f) *Clarence Strait district.*

(1) Northern section, exception: Other than trolling, fishing is from 6 a.m. July 27 to 6 p.m. August 29. Prior to August 25 the weekly closed period, except for trolling, is from 6 p.m. Friday to 6 a.m. Monday: *Provided,* That the above prohibitions shall not apply to drift nets from 6 a.m. June 15 to 6 p.m. July 18 in open fishing waters of Kashevarof Passage and Whale Pass lying between Prince of Wales Island and a line extending from the shoreline at 133°21'30" W. long. and passing successively through the Eye Opener light, Rookery Island light, northwest extremity of Bushy Island, northern extremity of Blashke Island, Deichman Rock, two miles northeast from Luck Point and terminating at Luck Point. Part of these special gill-net waters lie in the Sumner Strait district.

(2) Central section: Fishing is prohibited, except (i) for trolling from 6 a.m. April 15 to 6 p.m. October 31, and (ii) from 6 a.m. July 20 to 6 p.m. August 26. The weekly closed period, except for trolling, is from 6 p.m. Friday to 6 a.m. Monday.

(3) Southwest section: Other than trolling, fishing is from 6 a.m. July 27 to 6 p.m. August 29. Prior to August 25 the weekly closed period, except for trolling, is from 6 p.m. Friday to 6 a.m. Monday.

(4) Southeast and North Behm Canal sections: Other than trolling, fishing is from 6 a.m. July 13 to 6 p.m. August 22. Prior to August 20 the weekly closed period, except for trolling, is from 6 p.m. Friday to 6 a.m. Monday.

(g) *West Coast district.* Other than trolling, fishing is from 6 a.m. July 27 to 6 p.m. August 29. Prior to August 25 the weekly closed period, except for trolling, is from 6 p.m. Friday to 6 a.m. Monday: *Provided,* That these prohibitions shall not apply to purse seines from 12 noon July 6 to 6 p.m. August 29 in waters west of a line extending northwesterly from Cape Muzon projected through Cape Ulitka to the northern boundary of the district.

(h) *Southern district.*

(1) General section: From 6 a.m. July 13 to 6 p.m. August 15. The weekly closed period, except for trolling, and prior to August 14, is from 6 p.m. Friday to 6 a.m. Monday.

(2) Portland Canal section: From 6 a.m. July 13 to 6 p.m. August 15: *Provided,* That drift nets may be used in (i) open waters from 12 noon June 15 to 6 p.m. July 10, and from 6 a.m. August 31 to 6 p.m. September 25, and (ii) north of the latitude of Hidden Point from 6 a.m. July 13 to 6 p.m. August 28. The weekly closed period, except for trolling, is from 6 p.m. Friday to 6 a.m. Monday.

§ 115.6 Season and area restrictions, trolling.

(a) Taking of king salmon by trolling is prohibited in outside waters (exclusive of bays, inlets, sounds, channels, and straits) from 6 p.m. October 31 to 6 a.m. April 15.

(b) Taking of coho salmon by trolling is prohibited from 6 p.m. September 20 to 6 a.m. July 1.

(c) Trolling is prohibited during the month of May in Stephens Passage north of Midway Island and in Lynn Canal north of Point Retreat and in all contiguous waters.

(d) Trolling is prohibited in Behm Canal between a line from Escape Point to Point Francis and a line from Nose Point to Snail Point, and between a line from Point Sykes to Point Alava and a line from Point Eva to Cactus Point from 6 p.m. April 30 to 6 a.m. July 13.

(e) Trolling is prohibited in Stikine Strait, south of Vank Island, in the Stikine district during November and December.

§ 115.8 Fall seasons, chum salmon.

In addition to the open seasons prescribed in § 115.5, fishing for chum salmon only is permitted from 12 noon September 24 to 6 p.m. October 1 in the following places:

(a) Excursion Inlet.
(b) Hood Bay.
(c) Chiak Bay.
(d) Security Bay.
(e) Port Camden.
(f) Kasaan Bay.
(g) Cholmondeley Sound.
(h) Moira Sound.
(i) Klawock Inlet.

§ 115.10 Gear restrictions.

(a) The use of gill nets is prohibited except in the Northern section of the Western district north of Sullivan Island, Berners Bay, the Taku Inlet-Port Snettisham section of the Eastern district, Stikine district, Sumner Strait in the vicinity of Red and Salmon Bays, North Clarence Strait in the vicinity of Lake Bay, and the Portland Canal section of the Southern district.

(b) Fishing with set nets is prohibited except in the Northern section of the Western district north of Sullivan Island.

(c) Purse seines are prohibited in (1) Lynn Canal and contiguous waters north of 58°34'10" N. lat. and (2) Stikine district.

(d) Beach seines are prohibited.

§ 115.11 Size and operation of drift nets.

(a) No gill net boat shall operate, assist in operating, or have aboard either it or any boat towed by it, more than one legal limit of gear in the aggregate.

(b) The depth of gill nets shall not exceed (1) 6-inch or less stretched mesh, 50 meshes; (2) 6⅛–7-inch stretched mesh, 45 meshes; and (3) 7⅛–9-inch stretched mesh, 40 meshes, except that nets of 60-mesh depth may be used in the Portland Canal section.

(c) *Western district.* (1) The aggregate length of gill nets on, or in use by, any fishing boat shall not exceed 200 fathoms, and (2) in the Northern section north of Sullivan Island, no drift net shall be less than 50 fathoms in length.

(d) *Eastern district.* No gill net shall be less than 50 fathoms in length, nor more than 150 fathoms in length.

(e) *Sumner Strait and North Clarence Strait.* Only drift nets between 125 and 300 fathoms in length with mesh not less than 5½ inches stretched measure may be used in the special open area and season prescribed in the provisos of § 115.5 (e) (2) and (f) (1).

(f) *Stikine district.* (1) Gill nets shall not be less than 125 fathoms nor more than 300 fathoms in length; (2) gill-net mesh shall not be less than 8½ inches stretched measure prior to June 15, and from June 15 to July 19, inclusive, shall not be greater than 6 inches stretched measure.

(g) *Southern district.* Portland Canal section: No gill net shall exceed 200 fathoms in length.

§ 115.15 Size and operation of set nets.

(a) No set net shall exceed 50 fathoms in length. The aggregate length operated by any individual, or from any boat, shall not exceed 200 fathoms.

(b) Set nets shall be set in substantially a straight line, at right angles to the beach, and shall have a minimum distance of 600 feet between nets.

§ 115.17 Size and operation of purse seines.

No purse seine shall be less than 8½ fathoms nor more than 19½ fathoms in depth, nor less than 150 fathoms nor more than 250 fathoms in length, hung measure. Seine mesh shall not exceed 4½ inches stretched measure, except that a maximum of 25 meshes of up to 7 inch web may be hung immediately above the lead line. No lead shall exceed 75 fathoms in length.

§ 115.18 Maximum length of seine boats.

No boat used in operating any purse seine shall be longer than 50 feet, official registered length.

§ 115.25 Restrictions on native Indian traps.

(a) *Method of closing.* Poles shall be permanently secured to the webbing at each side of the mouth of the pot tunnel and shall extend from the tunnel floor to a height at least four feet above the water. A draw line shall be reeved through the lower ends of both poles and the top of one, and the upper end of this line shall be spliced to a length of chain. The two tunnel walls must be overlapped as far as possible across the pot gap and the draw line must be pulled tight so as to completely close the bottom of the tunnel. The pole on the right side of the pot gap, as viewed from the shore, must be painted bright red above water and the pole on the left bright green. Serially numbered seals issued by the Bureau shall be affixed around the top rib lines and webbing of both tunnel walls next to each pole and the link of the chain must be included in one of the seals. Seals must be attached in such manner that the trap cannot be fished without breaking them.

(b) *Size.* No trap shall exceed 900 feet in length when any part is in a greater depth of water than 100 feet at mean high tide. The length shall be as measured along the lead from shore at mean high tide to the outer face of the pot.

§ 115.26 Sites open to native Indian traps.

Salmon traps owned and operated by native Indian communities may be operated in 1959 at the following sites:

(a) *Annette Island Fishery Reserve.*

(1) Annette No. 3, located at 55°02'-47" N. lat., 131°38'53" W. long.

(2) Annette No. 4, located at 55°05'-41" N. lat., 131°36'39" W. long.

(3) Annette No. 6, located at 55°00'-45" N. lat., 131°38'30" W. long.

(4) Annette No. 8, located at 55°10'-13" N. lat., 131°19'31" W. long.

(b) *Organized Village of Kake.*

(1) Kake-Cape Fanshaw, located at 57°10'52" N. lat., 133°32'44" W. long.

(2) Kake-Point Pybus, located at 57°18'40" N. lat., 133°57'21" W. long.

(3) Kake-Point Macartney, located at 57°01'23" N. lat., 134°02'50" W. long.

(4) Kake-Cornwallis, located at 56°-55'52" N. lat., 134°16'08" W. long.

(c) *Angoon Community Association.*

(1) Angoon-Basket Bay, located at 57°36'16" N. lat., 134°51'34" W. long.

(2) Angoon-Eagle Island, located at 57°22'28" N. lat., 134°34'18" W. long.

(3) Angoon-Point Caution, located at 57°13'52" N. lat., 134°39'05" W. long.

§ 115.34 Closed waters.

Except after September 1 where fall seasons have been provided in § 115.8.

(a) *Icy Strait district.* Fishing, except trolling, is prohibited, as follows:

(1) Dundas Bay, north of 58°20' N. lat.

(2) Idaho Inlet, south of 58°8'20" N. lat.

(3) Glacier Bay, north of 58°27'54" N. lat.

(4) Port Althorp: Within 3 nautical miles of the head.

(5) Mud Bay: South of the latitude of Quartz Point.

(6) Spasski Bay: All waters.

(7) Port Frederick: Within a line from Inner Point Sophia to the northwest of Halibut Island, thence 323° true to Chichagof Island.

(b) *Western district.* Fishing is prohibited as follows:

(1) Wilson Cove: All waters.

(2) Whitewater Bay: Within a line from Point Caution to Woody Point.

(3) Chaik Bay: East of 134°28'59" W. long.

(4) Kootznahoo Inlet: All waters.

(5) Warm Spring Bay: All waters.

(6) Kelp Bay: Middle Arm, and South Arm west of 134°56'59" W. long.

(7) Hanus Bay: South of a line from Point Hanus to Point Moses.

(8) Rodman Bay: All waters.

(9) Sitkoh Bay: The northwest arm.

(10) Basket Bay: All waters.

(11) Hawk Inlet: All waters.

(12) Salt Lake Lagoon, Takanis Bay: The Lagoon and within 500 yards of its mouth.

(13) Redfish Bay: Within a true east and west line through the southern end of the Second Narrows.

(14) Still Harbor: All waters.

(15) Port Banks, off Whale Bay: All waters.

(16) Redoubt Bay: Within 1½ statute miles of the terminus of the outlet stream of Redoubt Lake.

(17) Fish Bay, northwest coast of Baranof Island: East of 135°37' W. long.

(18) Chilkoot Inlet: Within 1 statute mile of the terminus of Chilkoot River.

(19) Hood Bay: All waters of the north and south arms.

(20) Tenakee Inlet: All waters, except for trolling.

(21) Fresh Water Bay: Inside the innermost island.

(22) Lisianski Inlet: South of Pelican City, except for trolling.

(23) Stag Bay: All waters, except for trolling.

(24) Goulding Harbor: All waters.

(25) Black Bay: All waters.

(26) Waterfall, Slocum Arm: All waters.

(27) Katlian Bay: All waters, except for trolling.

(28) Nakwasina Passage: From Allan Point to a line 2 miles east of Neva Point.

(29) Sister Lake: Inside a line at the western end of the narrows between Anna and Sister Lakes.

(30) Hoonah Sound: Inside White Cliff Point on Moser Island including Fick Cove and Patterson Bay.

(31) Saook Bay: All waters.

(32) Ushk Bay: West of Ushk Point.

(c) *Eastern district.* Fishing is prohibited as follows:

(1) Port Houghton: (i) Sanborn Canal; (ii) East of 133°16'15" W. long.

(2) Windham Bay: East of a line extending across the narrows, at 133°27' 00" W. long.

(3) Limestone Inlet: All waters.

(4) Gambier Bay: West of 134°00'00" W. long.

(5) Port Camden: South of 56°40'07" N. lat.

(6) Kadak Bay: All waters.

(7) Hamilton Bay: Inside Point Hamilton.

(8) Keku Strait: Between a line from Point Camden to the western entrance of, and including Big John Bay, to the southern boundary of the district.

(9) Tebenkof Bay: Elena Bay north and east of a line from 56°29'56" N. lat., 134°06'28" W. long., to 56°29'05" N. lat., 134°05'28" W. long.

(10) Bay of Pillars: East of 134°11'40" W. long.

(11) Security Bay: Within 1,000 yards of the terminus of any salmon stream.

(12) Saginaw Bay: Within a line from the southwest shore at 56°51'36" N. lat. to the northeast shore at 56°53'06" N. lat.

(13) Red Bluff Bay: West of 134°45'-28" W. long.

(14) Gut Bay: West of 134°43'28" W. long.

(15) Port Walter: All waters including Little Port Walter.

(16) Taku Inlet and River: north of the survey marker "Lip" which is ¾ mile south of Taku Point.

(17) Seymour Canal: All waters lying either west or north of the tip of King Salmon Peninsula, including Windfall Harbor.

(18) Mole Harbor: Inside Beacon Rock.

(19) Pleasant Bay: All waters.

(20) Pybus Bay: The west arm, including Cannery Cove.

(21) Hobart Bay: Inside a line from an unnamed point on the north shore at 57°24'32" N. lat., 133°23'05" W. long., to an unnamed islet on the south shore at 57°24'32" N. lat., 133°23'05" W. long.

(22) Murder Cove: North of the light.

(23) Slocum Inlet: All waters.

(24) Windfall Harbor: All waters.

(25) Auke Bay: Inside a line from Pt. Louisa through Coughlan and Spuhn Islands to the southern tip of Mendenhall Peninsula.

(d) *Stikine district.* Fishing is prohibited as follows: Blind Slough.

(e) *Sumner Strait district.* Fishing is prohibited as follows:

(1) Salmon Bay: The bay and within ½ statute mile outside the mouth.

(2) Red Bay: South of a true east west line through the north shore of Dead Island.

(3) Olive Cove: All waters.

(4) Thom's Place, Zimovia Strait: All waters.

(5) Fools Inlet: Within 1 statute mile of the terminus of the salmon stream at the head.

(6) Duncan Canal: Within 1 statute mile of any salmon stream.

(7) Kah Sheets Bay: All waters.

(8) Totem Bay: All waters.

(9) Barrie Creek, Kupreanof Island: Within 2 statute miles of the terminus of the creek.

(10) Keku Strait: Between a line from the flasher light southeast, and the northern boundary of the district.

(11) Three Mile Arm: West and north of the western point at the entrance to Jackson Hole.

(12) Seclusion Harbor: All waters.

(13) Port Beauclerc: Inside the outer point of Edwards Island.
(14) Affleck Canal: Kell Bay and north of the southern point at the entrance to Bear Harbor.
(15) Calder Bay: North of 56°11'12" N. lat.
(16) El Capitan Passage: Between 56°07'36" N. lat. and a line extending due north from 56°08'53" N. lat., 133°-27'37" W. long.
(17) Shipley Bay: East of 133°33'25" W. long.
(18) Hole in the Wall, northwest coast of Prince of Wales Island: All waters.
(19) Bradfield Canal: East of 131°55'-30" W. long.
(20) Fall Creek, Wrangell Narrows: Between the latitude of the boat mooring float at the end of the Petersburg road cutoff and the latitude of navigation marker number 46.
(21) Blake Channel and Eastern Passage: North of 56°12' N. lat. and in Eastern Passage south of Babbler Point: *Provided,* That this prohibition shall not apply to trolling prior to 6 p.m. May 31 and after 6 a.m. October 1.
(22) Anita Bay: All waters, except by trolling.
(23) Steamer Bay: All waters.
(24) Vixen Inlet: Inside Sunshine Island.
(25) Santa Anna Inlet: Inside Point Santa Anna.
(26) Central portion of General section: Except by trolling and except by drift gillnetting in the special open area and season prescribed in § 115.5(e)(2), fishing is prohibited in the central portion of the General section bounded on the west by the latitude of Boulder Point and bounded on the east by the Stikine district and a line projected southerly from Point Nesbitt on Zarembo Island.

(f) *Clarence Strait district.* Fishing is prohibited, as follows:
(1) Moira Sound: (i) The north arm inside a line from Crowell Point to Point Holliday; (ii) Johnson Cove and (iii) west arm west of 132°12' W. long.
(2) Dolomi Bay, tributary to Port Johnson: All waters.
(3) Cholmondeley Sound: Except by trolling, (i) the canal entering Dora Bay from the south and (ii) west of and including Sunny Cove.
(4) Skowl Arm: McKenzie Inlet south of 55°21'35" N. lat., and Polk Inlet south of 55°25'15" N. lat.
(5) Twelvemile Arm: South of Loy Island.
(6) Karta Bay: Inside the outermost buoys.
(7) Thorne and Tolstoi Bays: Within 1 statute mile of the terminus of any salmon stream, and Thorne Bay west of 132°28'35" W. long.
(8) Ratz Harbor: All waters.
(9) Eagle Creek, about 1 mile south of Luck Point: All waters within 1 statute mile of the terminus of the creek.
(10) Barnes Lake, at head of Lake Bay: Within 500 yards outside its entrance.
(11) Whale Pass: From the north end of Thorne Island to 56°04' N. lat.
(12) McHenry Inlet: Within 1,000 yards of the salmon streams at the head.
(13) Rocky Bay, west coast of Etolin Island: Within 1 statute mile of the head.
(14) Yes Bay: Within the bay and outside the entrance within 1,000 yards of a line from Bluff Point to Syble Point.
(15) Shrimp Bay: East of a line from Dress Point to the opposite shore.
(16) Traitors Cove: All waters.
(17) Naha Bay: Within 1 statute mile of the falls at the outlet of Roosevelt Lagoon.
(18) Raymond Cove: Within a line from Mike Point to 55°37'45" N. lat., 131°51'50" W. long.
(19) Mossman Inlet: All waters.
(20) North Behm Canal: North of a line from Nose Point to Snail Point.
(21) Lake Bay: All waters of the passage behind Stevenson Island.
(22) Kitkun Bay: All waters.
(23) Tamgas Harbor: North of Deer Point.
(24) Neets Bay: East of Clam Island.
(25) Port Stewart: All waters.

(g) *West Coast district.* Fishing is prohibited, as follows:
(1) Klawak Inlet: All waters east of Klawak and Peratrovich Islands and north of a line connecting the northern extremities of Peratrovich and Wadleigh Islands, including Big Salt Lake.
(3) Trocadero Bay: East of 133°01'00" W. long.
(4) Manhattan Arm: East of 133°10' W. long.
(5) Ham Cove: All waters.
(6) Kasook Inlet: All waters within 1 statute mile of head.
(7) Hetta Inlet: North of Simmons Point.
(8) Deer Bay: All waters.
(9) Hetta Harbor: All waters.
(10) Eek Inlet: All waters.
(11) Hunter Bay: All waters.
(12) Devilfish Bay: All waters.
(13) Sarkar Cove: All waters.
(14) El Capitan and Tuxekan passages: East of 133°20' W. long.
(15) Tokeen Bay: All waters.
(16) Edna Bay: All waters.
(17) Keete Inlet: All waters.
(18) Klakas Inlet: North of 55° N. lat.
(19) Soda Bay: East of 133° W. long.
(20) Port Saint Nicholas: East of 133° 04' W. long.
(21) Warm Chuck Inlet: North of 55° 44'30" N. lat.
(22) Nutkwa Inlet: North of 55°06' N. lat.
(23) Shinaku Inlet: North of the latitude of Point Ildefonso.

(h) *Southern district.* Fishing is prohibited, as follows:
(1) Hidden Inlet: All waters.
(2) Fillmore Inlet: East of 130°29'54" W. long.
(3) Willard Inlet: North of the northern end of Just Island.
(4) Ray Anchorage: All waters.
(5) Very Inlet: All waters.
(6) Boca De Quadra: Marten Arm, Mink Arm, Vixen Bay, Badger Bay, Weasel Cove, and within 5 miles of the head.
(7) George Inlet: North of California head.
(8) Smeaton Bay: Wilson and Bakewell Arms.
(9) Rudyerd Bay: North and South Arms.
(10) Portland Canal: North of a line extending from Engineer's Point true west.
(11) Tongass Narrows: Except by trolling, between a line from Mountain Point to Gravina Point and a line from Point Higgins to Vallenar Point.
(12) Carroll Inlet: North of Osten Island.
(13) Thorne Arm: North of Eve Point.
(14) Nakat Inlet: North of 54°50' N. lat.
(15) Harry Bay: North of Slim Island.
(16) Lucky Cove: Within 1,000 yards of the head.
(17) Ward Cove: All waters.
(18) South Behm Canal: North of a line from Point Eva to Cactus Point.
(19) Tombstone Bay: Within 1,000 yards of the northwest stream.

§ 115.38 Protection of small king salmon.

King salmon shall either (a) measure at least 26 inches from tip of snout to fork of tail, or (b) weigh at least 6 pounds dressed. Such undersized fish as are taken must be returned to the water without injury.

HERRING FISHERY

§ 115.50 Closed seasons.

Fishing, except for bait and except by gill nets, is prohibited from March 1 to June 14, inclusive: *Provided,* That this prohibition shall not apply after May 31 in the Sumner Strait, Clarence Strait, and West Coast districts.

§ 115.51 Beach seines limited.

Fishing for herring, including bait fishing, by means of any beach seine on any herring spawning ground is prohibited.

§ 115.52 Restrictions on bait fishing.

Fishing is restricted (1) to 125 short tons for bait only in Silver Bay east of 135°15' W. long., and (2) to fishing for bait or with gill nets in Krestof and Sitka Sounds east of a line extending from Cape Edgecumbe to Point Woodhouse on Biorka Island, and thence to the eastern extremity of Elovoi Island.

(b) Fishing is restricted to a take of 125 short tons for use as bait, in waters surrounding Fish Egg Island north and east of a line from Cape Flores to Point Amargura, and thence to Point Ildefonso.

§ 115.53 Closed waters.

Fishing for herring, including bait fishing, by means of any purse seine is prohibited in the waters on the west side of Cleveland Peninsula between 55°46' N. lat., and 55°44' N. lat., and east of 132°17'30" W. long.

§ 115.54 Quotas.

The take of herring, except for bait and except by gill nets, is limited as follows:

(a) Not more than 10,000 short tons may be taken in the Clarence Strait, Sumner Strait, and South Prince of Wales districts, of which not more than 5,000 short tons may be taken in the Clarence Strait district south of the latitude of Ernest Point.

(b) Not more than 22,500 short tons may be taken in the waters of the Eastern

and Western districts, of which not more than 6,250 short tons may be taken on the west coasts of Chichagof and Baranof Islands in an area bounded by a line due west from Cape Bingham; a line across Peril Strait at Kakul Narrows; and a line from Cape Ommaney to Nation Point on Coronation Island: *Provided,* That an additional 10,000 short tons may be taken after July 15 in that part of the Eastern and Western districts south of a line from Swain Point to the northern entrance to Snipe Bay; and *Provided further,* That an additional 2,000 short tons may be taken in the combined areas of Icy Strait, except Port Frederick; Lynn Canal south of 58°34'10" N. lat.; and Chatham Strait north of South Passage Point.

§ 115.57 Restricted waters.

(a) Fishing, except for bait and except by gill nets, is prohibited within (1) Lynn Canal north of 58°34'10" N. lat., and (2) Stephens Passage north of a line from Point Arden to Bishop Point.

(b) Fishing, except for bait and except by gill nets, is prohibited in the waters of Tongass Narrows and northern Revillagigedo Channel from the latitude of Guard Island to the latitude of Point Alava.

(c) From June 1 to October 15, inclusive, fishing for herring, including bait fishing, is prohibited in all waters closed throughout the year to salmon fishing.

BOTTOM FISH FISHERY

§ 115.60 Season.

Commercial fishing for sablefish is prohibited prior to May 1 and after November 30 in each calendar year.

SHELLFISH FISHERY

§ 115.72 Season, butter clams.

The taking of butter clams, other than bait, is prohibited in the period from April 15 to September 15, inclusive.

§ 115.86 Season and gear restrictions, shrimp.

Shrimp fishing is prohibited in the combined area of the Stikine district, Eastern district eastward of the longitude of Cape Fanshaw, and Sumner Strait district northward of the latitude and eastward of the longitude of Point Baker as follows:

(1) February 15 to April 30 inclusive.

(2) By otter trawls throughout the year.

PERSONAL USE FISHERY

§ 115.92 Closed waters, salmon.

(a) *Western district.* Redoubt Bay: Fishing with gill net, seine, or trap is prohibited in all waters of the bay closed to commercial fishing.

(b) *Eastern district.* Fishing for personal use, except with hand rod, hook and line, is prohibited as follows:

(1) Auke Bay and tributary streams inside a line from Pt. Louisa through Coughlan and Spuhn Islands to the southern tip of Mendenhall Peninsula.

(2) Salmon Creek, tributary to Gastineau Channel.

(3) Steep Creek.

(5) Stephens Passage, north of Midway Island and in Lynn Canal north of the latitude of Point Retreat and all contiguous waters, exclusive of the Chilkat River and the Taku Inlet-Port Snettisham section during the month of May.

(6) Fish Creek, north end of Douglas Island.

(c) *Southern district.* Fishing for, taking or molesting any salmon by any means, or for any purpose, is prohibited in:

(1) Salt water in Behm Canal and contiguous bays north of a line from Point Eva to Cactus Point.

(2) Ketchikan Creek and Thomas Basin.

(3) Mahoney Creek in George Inlet.

§ 115.93 Restrictions on taking king salmon in salt water.

The taking of king salmon in salt water by hook and line for sport or personal use shall be limited to:

(a) The use of not to exceed one line per person.

(b) A bag limit of either (1) 50 pounds and one fish, or (2) three fish, whichever is less restrictive.

(c) Fish over either: (1) 26 inches from tip of snout to fork of tail, or (2) six pounds dressed weight.

§ 115.94 Bag limit.

(a) *Eastern district.* It is prohibited to take more than 15 salmon less than 18 inches in length in the fresh waters of the Mendenhall River and Jordan Creek drainages, and all tributaries and impoundments within these drainages.

(b) *Southern district.* The taking of salmon for sport, or personal use, shall not exceed a bag limit of two fish and shall be only by means of hook and line, spear or gaff in the waters of: Ward Cove, Lake, and Creek.

PART 130—NORTH PACIFIC AREA

Sec.

130.1 Definition.

SALMON FISHERY

130.10 Salmon fishing prohibited, exception.

AUTHORITY: §§ 130.1 and 130.10 issued under sec. 12, 68 Stat. 700, as amended; 16 U.S.C. 1031.

§ 130.1 Definition.

The North Pacific area is defined to include all waters of the North Pacific Ocean and Bering Sea north of latitude 48°30' N. and E. of long. 175° W., exclusive of the waters of Alaska as defined in Part 101 of this subchapter.

SALMON FISHERY

§ 130.10 Salmon fishing prohibited, exception.

No person or fishing vessel subject to the jurisdiction of the United States shall fish for or take salmon, except by trolling in the North Pacific area, as defined in this part: *Provided,* That this shall not apply to fishing for sockeye salmon or pink salmon south of latitude 49° N.

[F.R. Doc. 59-2387; Filed, Mar. 18, 1959; 8:52 a.m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 72, 73, 74, 78]

[Docket No. 3666; Notice 38]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Notice of Proposed Rule Making

MARCH 2, 1959.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments are set forth below and the reasons therefor are listed in the appendix set forth below.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached. In view thereof no oral hearing is contemplated at this time.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before April 1, 1959. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Federal Register Division.

(62 Stat. 738; 18 U.S.C. 831-835; 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 49 U.S.C. 304)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY, *Secretary.*

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 commodity list (15 F.R. 8263, 8266, 8269, 8271, 8272, Dec. 2, 1950) as follows:

§ 72.5 List of explosives and other dangerous articles.

(a) * * *

Article	Classed as	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
*Acetone oils	F.L.	73.118, 73.119	Red	10 gallons.
Spirits of nitroglycerin	F.L.	73.118(c), 73.133	Red	6 quarts.
Add				
Cyanogen bromide	Pois. B	No exemption, 73.379	Poison	25 pounds.
Mild detonating fuse, metal clad	Expl. C	No exemption, 73.101		300 pounds.
Rocket motors	F.S.	No exemption, 73.236	Yellow	550 pounds.
Rocket motors, Class A explosives. See Jet thrust unit (*jato*), Class A explosives, or Rocket ammunition.				
Rocket motors, Class B explosives, See Jet thrust unit (*jato*), Class B explosives, or Rocket ammunition.				

PART 73—SHIPPERS

Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

In § 73.22 add paragraph (g) (15 F.R. 8277, Dec. 2, 1950) to read as follows:

§ 73.22 Specification containers prescribed.

* * * * *

(g) Spec. 2S (§ 78.35 of this chapter) polyethylene drums manufactured prior to _____ may be continued in service provided they are in satisfactory condition for service or until further order of the Commission.

In § 73.28 amend paragraph (h) (15 F.R. 8277, Dec. 2, 1950) to read as follows:

§ 73.28 Reused containers.

* * * * *

(h) Single-trip containers made under specifications prescribed in Part 78 of this chapter from which contents have once been removed following use for shipment of any article, must not be again used as shipping containers for explosives, flammable liquids, flammable solids, oxidizing materials, corrosive liquids, or poisons, class B or C, as defined in this part: *Provided,* That during the present emergency and until further order of the Commission, single-trip containers may be reused if retested in accordance with methods approved by the Bureau of Explosives before each reuse and approved for service for specific commodities or classes of commodities. Applications for permission for reuse should be made to the Bureau of Explosives, 30 Vesey Street, New York 7, New York.

In § 73.31 amend paragraph (a) table and cancel footnote 8 thereto; amend paragraph (g) (9) table 1 and amend footnotes "h" and "i" and add footnote "j" thereto (22 F.R. 11030, Dec. 31, 1957) (21 F.R. 4562, June 26, 1956) (22 F.R. 4789, July 9, 1957) (23 F.R. 7646, Oct. 3, 1958) (24 F.R. 903, Feb. 6, 1959) to read as follows:

§ 73.31 Qualification, maintenance, and use of tank cars.

(a) * * *

Where these regulations call for specification numbers—	These specification containers may also be used subject to the provisions of the following notes—
(*Change*)	
103C–W[11]	103C.[11]

* * * * *

(g) * * *

(9) * * *

TABLE 1—RETEST PERIODS AND PRESSURES

Classification	See footnote	Tank retests [b, i]				Safety valve retest years	Interior heater systems retest				Tank test psi.	Safety valve psi.[e]	Safety valve vapor tight psi. minimum	Retest holding time-minutes	Test time when lagging is not removed-minutes
		Up to 10 years	10–22 years	Over 10 years	Over 22 years		Up to 10 years	10–22 years	Over 10 years	Over 22 years					
(*Change*)															
ICC–105A100–W		10		10		5					100	75	60	10	20
ICC–105A300–W	a, j	10		10		5					300	225	180	30	30
ICC–105A100AL–W		10		10		5					100	75	60	10	20
ICC–109A100AL–W		10		10		5					100	75	60	10	20
ICC–111A100–W–1		10		10		10	10		10		100	*75	60	10	20
ICC–111A100–W–3		10		10		10	10		10		100	*75	60	10	20
ICC–111A100–W–4		10		10		5	10		10		100	*75	60	10	20
EMERG.USG–A, B & C		10		10							60	*25		10	20
(*Add*)															
ICC–111A60AL–W		10		10		10	10		10		60	*35	28	10	20
ICC–111A100–W–6	e, d	5	3		1	(c)	5	3		1	60	35	28	10	20

* * * * * * * * *

[b] Nickel clad tanks used in bromine service and lead lined tanks need not be retested as prescribed in the table. Safety valves must be retested as prescribed herein.
[i] Glass or rubber-lined tanks are not subject to periodic retests. Safety valves must be retested as prescribed herein.
[j] Safety valves of tanks in bromine service must be retested every two years.

In § 73.32 amend paragraph (a) (2) (15 F.R. 8279, Dec. 2, 1950) to read as follows:

§ 73.32 Qualification, maintenance, and use of portable tanks.

(a) * * *

(2) Portable tank containers for transportation as cargo on vessels in commerce subject to the jurisdiction of the United States Coast Guard shall not exceed a loaded weight of 8,000 pounds. Nothing contained in this section shall be so construed as to pertain to transportation on car floats, car ferries, trailerships, or containerships.

In § 73.33 amend paragraph (a) (1) (15 F.R. 8280, Dec 2, 1950) to read as follows:

§ 73.33 Qualification, maintenance, and use of cargo tanks.

(a) * * *

(1) Cargo tank containers for transportation as cargo on vessels in commerce subject to the jurisdiction of the United States Coast Guard shall not exceed a loaded weight of 8,000 pounds. Nothing contained in this section shall be so construed as to pertain to transportation on car floats, car ferries, trailerships, or containerships.

Subpart B—Explosives; Definitions and Preparation

In § 73.53 amend the introductory text of paragraph (t) (21 F.R. 3008, 3009, May 5, 1956) to read as follows:

§ 73.53 Definition of class A explosives.

* * * * *

(t) *Jet thrust units (jato), explosive (class A), or igniters, jet thrust (jato), explosive (class A).* Jet thrust units (jato), explosive (class A), are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Under certain conditions the chemical fuel with which the unit is loaded may explode. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist aeroplanes to take off, to propel large missiles, and to drive moving targets for practice firing. (Also see § 73.236.)

In § 73.63 amend paragraph (c) (1) (iii) (24 F.R. 903, Feb. 6, 1959) to read as follows:

§ 73.63 High explosives with liquid explosive ingredient.

* * * * *

(c) * * *

(1) * * *

(iii) Two or more cartridges that must be redipped becauses of their size may be enclosed in another strong paper shell to form a completed cartridge not exceeding 30 inches in length. The resulting cartridge must be dipped in melted paraffin or equivalent material.

In § 73.86 amend paragraph (a) (18 F.R. 3134, June 2, 1953) to read as follows:

§ 73.86 Samples of explosives and explosive articles.

(a) New explosives, including fireworks and explosive devices, other than Army, Navy, or Air Force explosive or chemical ammunition of a security classification, must be examined and approved by the Bureau of Explosives as safe for transportation before being offered for shipment, except that a sample of such explosives, fireworks, and explosive devices, not to exceed 5 pounds net weight, may be offered for transportation by carriers by rail freight, highway, or water for this examination. Samples of explosives, except liquid nitroglycerin, other than new explosives for laboratory examination not exceeding 5 pounds net weight, may be offered for transportation by carriers by rail freight, highway, or water. For the purpose of Parts 71–78 of this chapter, a new explosive, including fireworks and explosive devices, is the product of a new factory or an explosive or explosive device of an essentially new composition or character made by any factory.

In § 73.88 amend the introductory text of paragraph (e) (21 F.R. 7599, Oct. 4, 1956) to read as follows:

§ 73.88 Definition of class B explosives.

* * * * *

(e) Jet thrust units (jato), class B, are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist aeroplanes to take off, to propel large missiles, and to drive moving targets for practice firing. (Also see § 73.236.)

In § 73.100 add paragraph (cc) (15 F.R. 8296, Dec. 2, 1950) to read as follows:

§ 73.100 Definition of class C explosives.

* * * * *

(cc) Mild detonating fuse, metal clad, consists of a core containing not more than 2½ grains of high explosive composition per lineal foot, clad with metal either with or without a covering of tapes, yarns, plastics, or waterproofing compounds.

In § 73.101 amend paragraph (a) (22 F.R. 7835, Oct. 3, 1957) to read as follows:

§ 73.101 Small-arms ammunition.

(a) Small-arms ammunition must be packed in pasteboard or other inside boxes, or in partitions designed to fit snugly in the outside container, or must be packed in metal clips. The partitions and metal clips must be so designed as to protect the primers from accidental injury. The inside boxes, partitions and metal clips must be packed in securely closed strong outside wooden or fiberboard boxes or metal containers.

Amend entire § 73.104 (15 F.R. 8296, Dec. 2, 1950) to read as follows:

§ 73.104 Cordeau detonant fuse or mild detonating fuse, metal clad.

(a) Cordeau detonant fuse or mild detonating fuse, metal clad must not be packed in the same package with detonators or with any high explosive.

(b) Cordeau detonant fuse or mild detonating fuse, metal clad must be packed in wooden boxes or fiberboard boxes.

(c) Each outside container must be plainly marked "Cordeau Detonant Fuse—Handle Carefully" or "Mild Detonating Fuse, Metal Clad—Handle Carefully," as the case may be.

Subpart C—Flammable Liquids; Definition and Preparation

In § 73.119 amend paragraphs (a) (12) and (17), (e) (2) and (3), and (f) (4); add paragraph (a) (13) and (18) (22 F.R. 4789, July 9, 1957) (21 F.R. 671, Jan. 31, 1956) (16 F.R. 5323, June 6, 1951) (21 F.R. 4564, June 26, 1956) to read as follows:

§ 73.119 Flammable liquids not specifically provided for.

(a) * * *

(12) Spec. 103, 103–W, 103AL–W, 103D–W, 104, 104–W, 105A100, 105A100–W, 105A100AL–W, 105A200–W, 105A200–AL–W, 105A300–W, 105A300AL–W, 105A400–W, 105A500–W, 105A600–W, 111A60AL–W, 111A100–W–1, 111A100–W–3, 111A100–W–4, 111A100–W–6, ARA–II,[2] ARA–III,[2] ARA–IV,[2] or ARA–IV–A[2] (§§ 78.265, 78.280, 78.291, 78.297, 78.269, 78.284, 78.270, 78.285, 78.294, 78.307, 78.308, 78.286, 78.300, 78.287, 78.288, 78.289, 78.310, 78.303, 78.305, 78.306, 78.311 of this chapter). Tank cars. For cars equipped with expansion domes, manhole closures must be so designed that pressure will be released automatically by starting the operation of removing the manhole cover. (See § 73.432 for shipping instructions.)

(13) The use of spec. 103AL special riveted aluminum tank cars is authorized for the transportation of gasoline, ethyl acetate, acetone, methanol, or butyraldehyde as provided in special orders of November 5, 1937 and February 1, 1939.

* * * * *

(17) Spec. MC 300, MC 301, MC 302, MC 303, MC 304 or MC 305 (§§ 78.321, 78.322, 78.323, 78.324, 78.325, or 78.326 of this chapter). Tank motor vehicles.

[Note 1 remains the same.]

(18) The use of existing tank cars constructed to specifications Emergency USG–A,[1] USG–B,[1] or USG–C[1] in effect prior to June 4, 1956 is authorized for the transportation of liquids weighing not over 8 pounds per gallon, and having vapor pressures not exceeding 16 pounds per square inch, absolute, at 100° F.

* * * * *

(e) * * *

(2) Spec. 103, 103–W, 103AL–W, 103D–W, 104, 104–W, 105A100, 105A100–W, 105–A100AL–W, 105A200–W, 105A200AL–W, 105A300–W, 105A300AL–W, 105A400–W, 105A500–W, 105A600–W, 111A600AL–W, 111A100–W–1, 111A100–W–3, 111A100–W–4, 111A100–W–6, ARA–II,[2] ARA–III,[2] ARA–IV,[2] or ARA–IV–A[2] (§§ 78.265, 78.280, 78.291, 78.297, 78.269, 78.284, 78.270, 78.285, 78.294, 78.307, 78.308, 78.286, 78.300, 78.287, 78.288, 78.289, 78.310, 78.303, 78.305, 78.306, and 78.311 of this chapter). Tank cars. Cars having expansion domes must be equipped with manhole closures, identification marks, and dome placards as prescribed in (f) (4), (g), (h), and (h) (1) of this section. (See Note 1 of paragraph (f) (3) of this section.)

(3) Spec. MC 300, MC 301, MC 302, MC 303, MC 304, or MC 305 (§§ 78.321, 78.322, 78.323, 78.324, 78.325, or § 78.326 of this chapter). Tank motor vehicles.

(f) * * *

(4) Spec. 103, 103–W, 103AL–W, 104, 104–W, 111A60AL–W, ARA–II,[1] ARA–III,[1] or ARA–IV[1] (§§ 78.265, 78.280, 78.291, 78.269, 78.284, 78.310 of this chapter). Tank cars. Cars must have their manhole closures equipped with approved safeguards making removal of closures from manhole openings practically impossible while car interior is subjected to vapor pressure of lading. These cars must be stenciled on each side of domes in line with the ladders, and in a color contrasting to the color of the dome, with the identification mark as prescribed in paragraph (g) of this section.

[1] The use of existing tank cars authorized, but new construction not authorized.

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

In § 73.162 amend paragraph (a) (5) (15 F.R. 8304, Dec. 2, 1950) to read as follows:

§ 73.162 Charcoal.

(a) * * *

(5) Charcoal made from walnut shells, corn cobs, peach pits, and similar material, must be cooled and held not less than five days before shipment, and shipped in bags, barrels, or boxes. The five-day holding period shall not apply to charcoal briquettes screened and cooled to a temperature below 100° F. before being offered for transportation.

In § 73.176 amend paragraph (c) (1), (2), and (3) (15 F.R. 8306, Dec. 2, 1950) to read as follows:

§ 73.176 Matches.

* * * * *

(c) * * *

(1) Matches, strike-anywhere, must be placed in individual containers consist-

ing of an outer sliding shuck or cover and an inner holding tray or box, or securely closed chipboard or fiberboard boxes. Individual containers consisting of a holding tray or box with a top that telescopes over the box may be used. Boxes of suitable "hang-up" type may also be used if approved by the Bureau of Explosives. All match boxes, covers, and trays must be made of cardboard, wood, or metal, except that paper wrappings may be used for block or card matches.

(2) Individual containers must be wrapped in paper, except as provided herein, with not more than 12 boxes or individual containers in each paper-wrapped package. These packages must be secured on the ends and on the lapping side with glue, or similar satisfactory adhesive, making each 12 boxes or less of matches a serviceably wrapped and well-secured package. Chipboard or fiberboard boxes constructed of material not less than 0.018 inch thick, having flaps secured by adhesive or closed by specially designed flaps or tabs formed to secure tight closures, are not required to be wrapped in paper.

(3) No individual container (not including card or block matches) shall contain more than 700 strike-anywhere matches in any one container, box, or package. When more than 300 matches are packed in any individual container, box, or package, the matches must be arranged in two nearly equal portions with the heads of the two portions placed in opposite directions. All individual containers containing 350 or more matches must have placed over the matches a center holding or protecting strip made of cardboard, which can be scored or bent without fracture, except the center holding strip shall not be required when matches are packed in chipboard or fiberboard boxes detailed in subparagraph (2) of this paragraph. This protecting strip shall be not less than 1¼ inches wide and shall be flanged down at least ⅝ inch on each end to hold the matches in position when the container is nested into the shuck or cover or withdrawn therefrom.

In § 73.206 amend paragraph (e) (1) (16 F.R. 11778, Nov. 21, 1956) to read as follows:

§ 73.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride.

* * * * *

(e) * * *

(1) Spec. 15A or 15B (§ 78.168 or § 78.169 of this chapter). Wooden boxes, not over 75 pounds gross weight, with air-tight inside copper cartridges. Cartridges having less than 0.022 inch wall thickness must be separated or securely cushioned in the boxes. Each cartridge must have a minimum thickness of 0.02 inch.

In § 73.224 amend paragraph (a) (3) (24 F.R. 904, Feb. 6, 1959) to read as follows:

§ 73.224 Cumene hydroperoxide, dicumyl peroxide, paramenthane hydroperoxide, and tertiary butylisopropyl benzene hydroperoxide.

(a) * * *

(3) Spec. 103, 103–W, 103A, 103A–W, 111A100–W–1, or 111A100–W–2 (§§ 78.265, 78.280, 78.266, 78.281, 78.303, or § 78.304 of this chapter). Tank cars. Authorized for 90 percent or less cumene hydroperoxide in a nonvolatile solvent and paramenthane hydroperoxide of strength not exceeding 60 percent in a nonvolatile solvent only. Spec. 103, 103–W, and 111A100–W–1 (§§ 78.265, 78.280, and 78.303 of this chapter) tank cars must have bottom outlets effectively sealed from the inside.

* * * * *

Add § 73.236 (15 F.R. 8312, Dec. 2, 1950) to read as follows:

§ 73.236 Rocket motors.

(a) Rocket motors (including igniters therefor) must be of a type approved by the Bureau of Explosives and must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15E, or 16A (§§ 78.168, 78.169, 78.172, or 78.185 of this chapter). Wooden boxes.

(2) Rocket motors packed in any other manner must be in containers of a type approved by the Bureau of Explosives.

NOTE: For purposes of these regulations, rocket motors are propellant devices including jet thrust units or jet assist take-off units having as part of the assembly a solid fuel type of propellant other than one classed as a class A or class B explosive and containing no explosive material or element. They must be in a non-propulsive state when shipped.

Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

In § 73.245 amend paragraph (a) (18) (23 F.R. 7648, Oct. 3, 1958) to read as follows:

§ 73.245 Acids or other corrosive liquids not specifically provided for.

(a) * * *

(18) Spec. 12A (§ 78.210 of this chapter). Fiberboard boxes with inside glass, polyethylene, or other non-fragile plastic bottles not over 1-gallon capacity each. Not more than 4 inside glass bottles exceeding 5 pints capacity each shall be packed in the outside container. Shipper must have established that the completed package meets test requirements prescribed by §78.210–10 of this chapter.

In § 73.247 add paragraph (a) (16) (23 F.R. 2325, Apr. 10, 1958) to read as follows:

§ 73.247 Acetyl chloride, antimony pentachloride, benzoyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.

(a) * * *

(16) Spec. 106A500, 106A500X, or 110A500–W (§ 78.275 or § 78.293 of this chapter). Tank cars. Authorized for antimony pentachloride only.

In § 73.249 add paragraph (b) (4) (18 F.R. 803, Feb. 7, 1953) to read as follows:

§ 73.249 Alkaline corrosive liquids, n.o.s., alkaline caustic liquids, n.o.s., alkaline battery fluids, and sodium aluminate, liquid.

* * * * *

(b) * * *

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers of polyethylene or other nonfragile plastic material resistant to the lading, having threaded or other equally efficient closure, not over 32 ounces capacity each.

In § 73.257 amend paragraph (a) (6) (23 F. R. 7648, Oct. 3, 1958) to read as follows:

§ 73.257 Electrolyte (acid) or corrosive battery fluid.

(a) * * *

(6) Spec. 12B or 12C (§ 78.205 or § 78.206 of this chapter). Fiberboard boxes with inside containers of polyethylene or other electrolyte acid resistant nonfragile materials having secure closures capable of withstanding conditions incident to transportation without leakage and unless containers are rigid or semi-rigid in nature they must be contained in other strong inside containers; minimum thickness of polyethylene or other materials shall be not less than 0.003 inch for any film sheet for multiwall containers or not less than 0.006 inch for single-wall containers; not more than 12 such inside containers shall be packed in one outside box and the marking prescribed in § 73.401(c) shall not be required. Inside containers shall be packed to prevent movement within the box (see § 78.205–34 of this chapter). Dry storage batteries or battery charger device may be packed in the same outside box when adequately separated from other inside containers (see § 78.205–33 of this chapter); gross weight of completed package shall not exceed 65 pounds, except when acid is packed in individual inside containers the gross weight shall be not over 75 pounds. Complete package, closed as for shipment, with inside containers filled with liquid of same specific gravity as commodity to be shipped, must be capable of withstanding at least 2 drops from a height of 4 feet onto solid concrete without leakage from or rupture of inside containers.

In § 73.268 add paragraph (b) (2) and (5); amend the introductory text of paragraphs (c), (d), (e), and (f) (21 F.R. 4565, June 26, 1956) (15 F.R. 8319, Dec. 2, 1950) to read as follows:

§ 73.268 Nitric acid.

* * * * *

(b) * * *

(2) The use of spec. 103C–AL special aluminum alloy tank cars is authorized for the transportation of 95 percent or greater nitric acid as provided in special orders of November 14, 1939, June 7, 1940, and August 19, 1941.

* * * * *

(5) Containers as specified in paragraphs (c), (d), (e), and (f), and within percentage limitations of this section.

(c) Nitric acid of 80 percent or greater concentration which does not contain significant quantities of sulfuric acid or hydrochloric acid as impurities, when offered for transportation by carriers by rail freight, highway, or water, in addition to and within limitations of paragraphs (b), (d), and (e) of this section, may be packed in specification containers as follows:

* * * * *

(d) Nitric acid of 90 percent or greater concentration, when offered for transportation by carriers by rail freight, highway, or water, in addition to and within limitations of paragraphs (b) and (c) of this section, may be packed in specification containers as follows:

* * * * *

(e) Nitric acid of concentration of less than 90 percent, when offered for transportation by carriers by rail freight, highway, or water, in addition to and within limitations of paragraphs (b), (c), and (f) of this section, may be packed in specification containers as follows:

* * * * *

(f) Nitric acid of concentration of 72 percent or less, when offered for transportation by carriers by rail freight, highway, or water, in addition to and within limitations of paragraphs (b) and (e) of this section, may be packed in specification containers as follows:

In § 73.269 amend paragraph (a) (1) (15 F.R. 8320, Dec. 2, 1950) to read as follows:

§ 73.269 Perchloric acid.

(a) * * *

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or § 78.190 of this chapter). Wooden boxes with glass inside containers consisting of glass bottles not over 5 pints capacity each, cushioned with incombustible mineral material in amount sufficient to absorb the acid.

In § 73.271 amend paragraph (a) (9) (23 F.R. 2326, Apr. 10, 1958) to read as follows:

§ 73.271 Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) * * *

(9) Spec. 103A, 103A–W, or 111A100–W–2 (§ 78.266, § 78.281, or § 78.304 of this chapter). Tank cars. Spec. 103A (§ 78.266 of this chapter) tanks must be lead lined steel or made of steel at least 10 percent nickel clad. Spec. 103A–W or 111A100–W–2 (§ 78.281 or § 78.304 of this chapter) tanks must be lead lined steel or made of steel at least 20 percent nickel clad or with minimum thickness of cladding to be 1/16 inch. Nickel cladding in tanks must have a minimum nickel content of at least 99 percent pure nickel.

In § 73.292 amend paragraph (a) (2) (18 F.R. 6779, Oct. 27, 1953) to read as follows:

§ 73.292 Hexamethylene diamine solution.

(a) * * *

(2) Spec. MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 310, or MC 311 (§§ 78.321, 78.322, 78.323, 78.324, 78.325, 78.326, 78.330, or § 78.331 of this chapter). Tank motor vehicles.

Subpart G—Poisonous Articles; Definition and Preparation

In § 73.346 amend paragraph (a) (10) and (12) (22 F.R. 4792, July 9, 1957) (20 F.R. 952, Feb. 15, 1955) to read as follows:

§ 73.346 Poisonous liquids not specifically provided for.

(a) * * *

(10) Spec. 103, 103–W, 103A, 103AL–W, 103A–W, 104, 104–W, 105A100, 105A100–W, 105A200–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, 111A60AL–W, 111A100–W–1, 111A100–W–2, 111A100–W–3, 111A100–W–4, or ARA–IV–A[1] (§§ 78.265, 78,280, 78.266, 78.291, 78.281, 78.269, 78.284, 78.270, 78.285, 78.307, 78.286, 78.287, 78.288, 78.289, 78.310, 78.303, 78.304, 78.305, 78.306 of this chapter). Tank cars.

* * * * *

(12) Spec. MC 300, MC 301, MC 302, MC 303, MC 305, MC 310, or MC 311 (§§ 78.321, 78.322, 78.323, 78.324, 78.326, 78.330, or § 78.331 of this chapter). Tank motor vehicles.

In § 73.347 amend Note 1 to paragraph (a) (1) and amend paragraph (a) (3) (15 F.R. 8335, Dec. 2, 1950) to read as follows:

§ 73.347 Aniline oil.

(a) * * *

(1) * * *

NOTE 1: Because of the present emergency and until further order of the Commission, glass bottles not over 5 pints capacity each and not more than six of these bottles packed in one outside container are authorized.

* * * * *

(3) Spec. MC 300, MC 301, MC 302, MC 303, or MC 305 (§§ 78.321, 78.322, 78.323, 78.324, or 78.326 of this chapter). Tank motor vehicles.

In § 73.351 amend the introductory text of paragraph (a) (15 F.R. 8335, Dec. 2, 1950) to read as follows:

§ 73.351 Hydrocyanic acid solutions.

(a) Hydrocyanic acid solutions must be in glass bottles not over 1 pound capacity each for solutions of not over 5 percent strength and not over 5 pints capacity each for solutions of not over 2 percent strength and must be packed in specification containers as follows:

In § 73.352 amend paragraph (a) (5) (15 F.R. 8335, Dec. 2, 1950) to read as follows:

§ 73.352 Liquid sodium or potassium cyanide.

(a) * * *

(5) Spec. MC 300, MC 301, MC 302, MC 303, or MC 305 (§§ 78.321, 78.322, 78.323, 78.324, 78.326 of this chapter). Tank motor vehicles.

In § 73.364 amend the introductory text of paragraph (a) (24 F.R. 907, Feb. 6, 1959) to read as follows:

§ 73.364 Exemptions for poisonous solids, class B.

(a) Poisonous solids, class B, except beryllium metal powder; cyanides, other than as specified in § 73.370 (b) and (d); cyanogen bromide, hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, other than as specified in § 73.377(f); in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

In § 73.365 amend paragraph (a) (2) (23 F.R. 4030, June 10, 1958) to read as follows:

§ 73.365 Poisonous solids not specifically provided for.

(a) * * *

(2) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip). Gross weight not over 375 pounds, except for material fused solid in the drum a gross weight of 880 pounds and not over 550 pounds gross weight for waste material containing arsenic trioxide is authorized in drums constructed of at least 18 gauge steel regardless of gross weight marking embossed in the container.

In § 73.369 amend paragraph (a) (13) and (14) (22 F.R. 4792, July 9, 1957) (22 F.R. 7838, Oct. 3, 1957) to read as follows:

§ 73.369 Carbolic acid (phenol), not liquid.

(a) * * *

(13) Spec. 103, 103–W, 103AL–W, 103A, 103A–W, 103A–AL–W, 111A60AL–W, 111A100–W–1, or 111A100–W–2 (§§ 78.265, 78.280, 78.291, 78.266, 78.281, 78.292, 78.310, 78.303, or § 78.304 of this chapter). Tank cars.

(14) Spec. MC 300, MC 301, MC 302, MC 303, MC 305, MC 310, or MC 311 (§§ 78.321, 78.322, 78.323, 78.324, 78.326, 78.330, or § 78.331 of this chapter). Tank motor vehicles.

Add § 73.379 (15 F.R. 8338, Dec. 2, 1950) to read as follows:

§ 73.379 Cyanogen bromide.

(a) Cyanogen bromide must be packed in tightly closed glass, earthenware, or metal inside containers not over 1-pound capacity each, securely cushioned and

packed in outside wooden boxes. Net weight not over 25 pounds in one outside container.

Subpart H—Marking and Labeling Explosives and Other Dangerous Articles

In § 73.402 amend paragraphs (a) (13) and (b) (1) (20 F.R. 8103, 8104, Oct. 28, 1955) to read as follows:

§ 73.402 Labeling dangerous articles.

(a) * * *

(13) Labels authorized for shipments of explosives and other dangerous articles by air, as shown in §§ 73.405(b), 73.406(b), 73.407(b), 73.408(b), 73.409 (b), 73.410(b), 73.411(b), 73.412(b), and 73.414(c), may be used in lieu of labels otherwise prescribed for surface transportation to or from airport.

(b) * * *

(1) Labels authorized for shipments of explosives and other dangerous articles by air are shown in §§ 73.405(b), 73.406(b), 73.407(b), 73.408(b), 73.409 (b), 73.410(b), 73.411(b), 73.412(b), and 73.414(c). Shipments so labeled must be tendered with a signed certificate, in duplicate, reading as follows (one signed copy shall accompany each shipment and the other signed copy shall be retained by the original carrier):

[No change in certificate.]

PART 74—CARRIERS BY RAIL FREIGHT

Subpart A—Loading, Unloading, Placarding and Handling Cars; Loading Packages Into Cars

In § 74.526 amend paragraph (b) (18 F.R. 3137, June 2, 1953) to read as follows:

§ 74.526 Loading explosives into cars.

* * * * *

(b) Shipments of explosive bombs, unfuzed explosive projectiles, rocket ammunition, and jet thrust units when not packed in wooden boxes, and large metal containers of incendiary bombs weighing 500 pounds or more, each, may be loaded in stock cars or in gondola cars (flat bottom) when adequately braced. Wooden boxed bombs, rocket ammunition, or jet thrust units which, due to size, cannot be loaded in closed cars may be loaded in open top cars but must be protected against accidental ignition.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Subpart B—Specifications for Inside Containers and Linings

In § 78.35–3 amend paragraph (a) (21 F.R. 675, Jan. 31, 1956) to read as follows:

§ 78.35 Specification 2S; polyethylene drums.

§ 78.35–3 Construction and capacity.

(a) Drums must be constructed in accordance with the following table:

Capacity not over (gallons)[1]	Minimum thickness		Minimum weight (pounds)
	Side wall and bottom head (inch)	Top head [2] (inch)	
5	0.0625	0.0625	1.4
15	0.0625	0.0625	3.5
30	0.0625	0.0625	5.5
55	0.0625	0.0625	9.0

[1] Rated capacity plus 5 percent permitted.
[2] Head containing openings.

Subpart D—Specifications for Metal Barrels, Drums, Kegs, Cases, Trunks and Boxes

In § 78.82–7 paragraph (a) table, amend the sub-column headings "Body sheet", and "Head sheet [4]" to read "Body sheet [5]", and "Head sheet [4 5]", respectively, and add footnote 5 to paragraph (a) table; add § 78.82–15 paragraph (a) (23 F.R. 4031, June 10, 1958) (22 F.R. 3928, June 5, 1957) (15 F.R. 8434, Dec. 2, 1950) to read as follows:

§ 78.82 Specification 5B; steel barrels or drums.

§ 78.82–7 Parts and dimensions.

(a) * * *

[5] When drum is used in conjunction with an inside Spec. 2S (§ 78.35 of this chapter) polyethylene drum, two ⅛-inch holes are permitted diametrically opposite each other in the drum body near the bottom chime and three holes not exceeding ¼-inch in diameter in the bottom head.

§ 78.82–15 Type and leakage tests not required.

(a) Steel drums constructed in accordance with the specification and having drain or other permitted holes are not required to be type-tested as required by § 78.82–13 or leakage-tested as required by § 78.82–14 when drums are used as outside shipping containers for inside polyethylene or other plastic containers as prescribed by Part 73 of this chapter.

Add § 78.100–12 paragraph (a) (15 F.R. 8445, Dec. 2, 1950) to read as follows:

§ 78.100 Specification 6J; steel barrels and drums.

§ 78.100–12 Type test not required.

(a) Steel drums constructed in accordance with the specification and having drain or other permitted holes are not required to be type-tested as required by § 78.100–11 when drums are used as outside shipping containers for inside polyethylene or other plastic containers as prescribed by Part 73 of this chapter.

In § 78.115–10 amend paragraph (a) (1) (18 F.R. 3143, June 2, 1953) to read as follows:

§ 78.115 Specification 17C; steel drums.

§ 78.115–10 Marking.

(a) * * *

(1) ICC–17C. The letters STC; located near the ICC mark to indicate "single-trip container." In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress-relieving or heat-treatment during manufacture (for example, ICC–17C–304 or ICC–17C–304 HT as applicable) shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

In § 78.116–10 amend paragraph (a) (1) (18 F.R. 3143, June 2, 1953) to read as follows:

§ 78.116 Specification 17E; steel drums.

§ 78.116–10 Marking.

(a) * * *

(1) ICC–17E. The letters STC; located near the ICC mark to indicate "single-trip container." In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress-relieving or heat-treatment during manufacture (for example, ICC–17E–304 or ICC–17E–304 HT as applicable) shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

In § 78.117–11 amend paragraph (a) (1) (18 F.R. 3143, June 2, 1953) to read as follows:

§ 78.117 Specification 17F; steel drums.

§ 78.117–11 Marking.

(a) * * *

(1) ICC–17F. The letters STC; located near the ICC mark to indicate "single-trip container." In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress-relieving or heat-treatment during manufacture (for example, ICC–17F–304 or ICC–17F–304 HT as applicable) shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

In § 78.118–10 amend paragraph (a) (1) (18 F.R. 3143, June 2, 1953) to read as follows:

§ 78.118 Specification 17H; steel drums.

§ 78.118–10 Marking.

(a) * * *

(1) ICC–17H. The letters STC; located near the ICC mark to indicate "single-trip container." In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress-relieving or heat-treatment during manufacture (for example, ICC–17H–304 or ICC–17H–304 HT as applicable) shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

In § 78.119–10 amend paragraph (a) (1) (18 F.R. 3143, June 2, 1953) to read as follows:

§ 78.119 Specification 17X; steel barrels or drums.

§ 78.119–10 Marking.

(a) * * *

(1) ICC–17X. The letters STC; located near the ICC mark to indicate "single-trip container." In addition, when the container is of stainless steel, the type of steel used in body and head sheets as identified by American Iron and Steel Institute type number, and also the letters HT following steel designation on containers subjected to stress-relieving or heat-treatment during manufacture (for example, ICC–17X–304 or ICC–17X–304 HT as applicable) shall be shown. These marks shall be understood to certify that the container complies with all specification requirements.

In § 78.130–8 amend paragraph (a) (4) (15 F.R. 8454, Dec. 2, 1950) to read as follows:

§ 78.130 Specification 37K; steel drums.

§ 78.130–8 Marking.

(a) * * *

(4) The letters STC; located near the ICC mark to indicate "single-trip container".

In § 78.131–6 paragraph (a) table, amend the sub-column headings "Body sheet[3]", and "Head sheet[4]" to read "Body sheet[3] [6]" and "Head sheet[4] [6]", respectively, and add footnote 6 to paragraph (a) table; in § 78.131–9 amend paragraph (a) (4); add § 78.131–12 paragraph (a) (23 F.R. 4031, June 10, 1958) (22 F.R. 7842, Oct. 3, 1957) (20 F.R. 4419, June 23, 1955) to read as follows:

§ 78.131 Specification 37A; steel drums.

§ 78.131–6 Capacities, weights, type, and gauges.

(a) * * *

[6] When drum is used in conjunction with an inside Spec. 2S (§ 78.35 of this chapter) polyethylene drum, two ⅛-inch holes are permitted diametrically opposite each other in the drum body near the bottom chime and three holes not exceeding ¼ inch in diameter in the bottom head.

§ 78.131–9 Marking.

(a) * * *

(4) The letters STC; located near the ICC mark to indicate "single-trip container".

§ 78.131–12 Type test not required.

(a) Steel drums constructed in accordance with the specification and having drain or other permitted holes are not required to be type-tested as required by § 78.131–11 when drums are used as outside shipping containers for inside polyethylene or other plastic containers as prescribed by Part 73 of this chapter.

In § 78.132–9 amend paragraph (a) (4) (20 F.R. 4420, June 23, 1955) to read as follows:

§ 78.132 Specification 37B; steel drums.

§ 78.132–9 Marking.

(a) * * *

(4) The letters STC; located near the ICC mark to indicate "single-trip container".

In § 78.133–6 amend paragraph (a) and the introductory text of paragraph (b) (23 F.R. 2330, Apr. 10, 1958) to read as follows:

§ 78.133 Specification 37P; steel drums with polyethylene liner.

§ 78.133–6 Liner.

(a) Each metal drum shall contain a contour fitting polyethylene liner having heat-sealed seams or a one-piece seamless molded polyethylene unit, attached to the pour opening in the removable head so as to provide a container that is completely resistant to lading when closed as for use.

(b) Polyethylene liner or molded unit shall be fabricated throughout of virgin polyethylene tubing or mold material, which may include a low percentage of elastomeric polymer having minimum thickness of 0.010 inch and having the following physical properties:

Subpart F—Specifications for Fiberboard Boxes, Drums, and Mailing Tubes

In § 78.205–7 amend paragraph (a); in § 78.205–11 amend paragraph (c); in § 78.205–16 paragraph (a) table, amend the column heading "Authorized gross weight (pounds)" to read "Authorized[4] gross weight (pounds)", and add footnote 4 to paragraph (a) table; in § 78.205–17 amend paragraph (b) (15 F.R. 8475, Dec. 2, 1950) (18 F.R. 5277, Sept. 1, 1953) to read as follows:

§ 78.205 Specification 12B; fiberboard boxes.

§ 78.205–7 Tape.

(a) Coated with glue at least equal to No. 1¾ Peter Cooper standard. Cloth tape of strength, across the woof, at least 70 units, Elmendorf test. Sisal tape of 2 sheets of No. 1 Kraft paper, total weight 80 pounds per ream (500 sheets, 24" x 36"); sheets to be combined with asphalt and reinforced by unspun sisal fibers completely embedded in the asphalt and extending across the tape, except as provided in § 78.205–11(d). Other tapes of equal strength and efficiency are authorized.

§ 78.205–11 Joints.

* * * * *

(c) For triple and double slide boxes: Joints of all slides must be taped (see § 78.205–7) or stitched; 3-inch tape required for boxes over 30 pounds authorized gross weight and 2-inch for others.

§ 78.205–16 Authorized gross weight and parts required.

(a) * * *

[4] Except as otherwise authorized herein or by Part 73 of this chapter.

§ 78.205–17 Closing for shipment.

* * * * *

(b) Double slide boxes or triple slide boxes, by coating the inner slides with adhesive, or by closing with reinforced tape capable of withstanding test prescribed by subparagraph (1) of this paragraph; for single-flap closures as authorized for boxes with one dimension not over 2 inches, the flaps must be fastened to the body with adhesive.

(1) Boxes selected at random, containing dummy contents similar to that to be shipped and packed to authorized gross weight, closed with reinforced tape across the ends and onto opposite side panels at least 2 inches, must be capable of withstanding a drop on each end from a height of 4 feet onto solid concrete without closure failure.

In § 78.218–11 amend paragraph (a) (15 F.R. 8480, Dec. 2, 1950) to read as follows:

§ 78.218 Specification 23G; special cylindrical fiberboard box for high explosives.

§ 78.218–11 Special tests.

(a) *By whom and when.* By or for each plant making the boxes; at beginning of manufacture and at 6-month intervals thereafter; on largest size, by weight. Smaller sizes need not be tested if they have the same or equivalent construction. Report of results, with all pertinent data, to be maintained on file for one year; copy to be filed with the Bureau of Explosives.

Subpart I—Specifications for Tank Cars

In § 78.265–19 amend paragraph (a) (21 F.R. 4569, June 26, 1956) to read as follows:

§ 78.265 Specification ICC–103; riveted steel tanks to be mounted on or forming part of a car.

§ 78.265–19 Tests of safety valves.

(a) Each valve must be tested, before being put into service, by attaching to an air line and applying pressure. The valve must not leak below 28 pounds pressure. The valve must open at the pressure prescribed in § 78.265–14(b), with a tolerance of plus or minus 3 pounds.

In § 78.267–4 amend paragraph (c); in § 78.267–5 amend paragraph (d) (21 F.R. 4572, June 26, 1956) to read as follows:

§ 78.267 Specification ICC–103B; rubber lined riveted steel tanks to be mounted on or forming part of a car.

§ 78.267–4 Thickness of plates.

* * * * *

(c) Tanks must be lined with rubber, or other approved material, at least 5/32 inch thick, except that over all rivets and tank seams the lining must be double thickness. The lining must overlap at least 1½ inches at all edges, which must be straight and be beveled to an angle of approximately 45 degrees. An additional reinforcing pad at least 4½ feet square and at least ½ inch thick must be applied by vulcanizing to the lining on bottom of tank directly under the dome. The edges of pad must be beveled to an angle of approximately 45 degrees. An opening in this pad for sump is permitted. No lining shall be under tension when applied except that due to conformation over rivet heads. Interior of tank must be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

§ 78.267–5 Material.

* * * * *

(d) Each tank or compartment thereof, must be lined with an acid-resisting rubber, or other approved material, vulcanized or bonded directly or otherwise attached to the metal tank, to provide a non-porous laminated lining.

In § 78.269–19 amend paragraph (a) (21 F.R. 4576, June 26, 1956) to read as follows:

§ 78.269 Specification 104; lagged riveted steel tanks to be mounted on or forming part of a car.

§ 78.269–19 Tests of safety valves.

(a) Each valve must be tested, before being put into service, by attaching to an air line and applying pressure. The valve must not leak below 28 pounds per square inch pressure. The valve must open at the pressure prescribed in § 78.269–14(b), with a tolerance of plus or minus 3 pounds.

In § 78.280–4 amend paragraph (g); in § 78.280–21 amend paragraph (a) (21 F.R. 4586, 4587, June 26, 1956) to read as follows:

§ 78.280 Specification ICC–103–W; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.280–4 Thickness of plates.

* * * * *

(g) When tank is divided into compartments the interior head must comply with the requirements for interior compartment heads prescribed herein. When the capacity is reduced by the insertion of a new interior head this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with a tapped drain-hole at their lowest point, and a tapped hole at top of tank. The top hole must be closed, and the bottom hole may be closed, with not less than ¾ inch nor more than 1½ inch solid pipe plugs having standard pipe threads.

§ 78.280–21 Tests of safety valves.

(a) Each valve must be tested, before being put into service, by attaching to an air line and applying pressure. The valve must not leak below 28 pounds pressure. The valve must open at the pressure prescribed in § 78.280–16(b), with a tolerance of plus or minus 3 pounds.

* * * * *

In § 78.281–4 amend paragraph (f) (21 F.R. 4588, 4589, June 26, 1956) to read as follows:

§ 78.281 Specification ICC–103A–W; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.281–4 Thickness of plates.

* * * * *

(f) When tank is divided into compartments the interior head must comply with the requirements for interior compartment heads prescribed herein. When the capacity is reduced by the insertion of a new interior head this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with a tapped drain-hole at their lowest point, and a tapped hole at top of tank. The top hole must be closed, and the bottom hole may be closed, with not less than ¾ inch nor more than 1½ inch solid pipe plugs having standard pipe threads.

In § 78.282–4 amend paragraphs (c) and (f); in § 78.282–5 amend paragraph (d) (21 F.R. 4591, June 26, 1956) to read as follows:

§ 78.282 Specification ICC–103B–W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.282–4 Thickness of plates.

* * * * *

(c) Tank must be lined with rubber, or other approved material, at least 5/32 inch thick, except over all rivets and seams formed by riveted attachments where the lining must be double thickness. The lining must overlap at least 1½ inches at all edges, which must be straight and be beveled to an angle of approximately 45 degrees. An additional reinforcing pad at least 4½ feet square and at least ½ inch thick must be applied by vulcanizing to the lining on bottom of tank directly under the dome. The edges of pad must be beveled to an angle of approximately 45 degrees. An opening in this pad for sump is permitted. No lining shall be under tension when applied except that due to conformation over rivet heads. Interior of tank must be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

* * * * *

(f) When tank is divided into compartments the interior head must comply with the requirements for interior compartment heads prescribed herein. When the capacity is reduced by the insertion of a new interior head, this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with a tapped drain-hole at their lowest point, and a tapped hole at top of tank. The top hole must be closed, and the bottom hole may be closed, with not less than ¾ inch nor more than 1½ inch solid pipe plugs having standard pipe threads.

§ 78.282–5 Material.

* * * * *

(d) Each tank or compartment thereof must be lined with acid-resisting rubber, or other approved material, vulcanized or bonded directly or otherwise attached to the metal tank, to provide a non-porous laminated lining.

In § 78.283–4 amend paragraph (e) (21 F.R. 4593, June 26, 1956) to read as follows:

§ 78.283 Specification ICC–103C–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.

§ 78.283–4 Thickness of plates.

* * * * *

(e) When tank is divided into compartments the interior head must comply with the requirements for interior compartment heads prescribed herein. When the capacity is reduced by the insertion of a new interior head this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with a tapped drain-hole at their lowest point, and a tapped hole at top of tank. The top hole must be closed, and the bottom hole may be closed, with not less than ¾ inch nor more than 1½ inch solid pipe plugs having standard pipe threads.

In § 78.284–4 amend paragraph (g); in § 78.284–21 amend paragraph (a) (21 F.R. 4595, 4596, June 26, 1956) to read as follows:

§ 78.284 Specification ICC–104–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.284–4 Thickness of plates.

* * * * *

(g) When tank is divided into compartments the interior head must comply with the requirements for interior compartment heads prescribed herein. When the capacity is reduced by the insertion of a new interior head this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with a tapped drain-hole at their lowest point, and a tapped hole at top of tank. The top hole must be closed, and the bottom hole may be closed, with not less than ¾ inch nor more than 1½ inch solid pipe plugs having standard pipe threads.

§ 78.284–21 Tests of safety valves.

(a) Each valve must be tested, before being put into service, by attaching to an air line and applying pressure. The valve must not leak below 28 pounds per square inch pressure. The valve must open at the pressure prescribed in § 78.284–16(b), with a plus or minus 3 pounds.

In § 78.291–4 amend paragraphs (a) and (e); in § 78.291–20 amend paragraph (a) (23 F.R. 7659, Oct. 3, 1958) (22 F.R. 7844, Oct. 3, 1957) (21 F.R. 4608, June 26, 1956) to read as follows:

§ 78.291 Specification ICC–103AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.291–4 Thickness of plates.

(a) The plate thickness shall not be less than that obtained by calculation using the following formula, and in no case be less than ½ inch:

$$t=\frac{Pd}{2SE}$$

where
t = thickness in inches of thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B-209 Alloy 996A—1060 =9,500 psi.
ASTM B-209 Alloy 990A—1100 =11,000 psi.
ASTM B-209 Alloy M1A—3003 =14,000 psi.
ASTM B-209 Alloy GR20A—5052=25,000 psi.
ASTM B-209 Alloy GS11A—6061 =24,000 psi.
ASTM B-209 Alloy GR40A—5154=30,000 psi.
ASTM B-209 Alloy GM40A—5086=35,000 psi.
ASTM B-209 Alloy GM31A—5454=31,000 psi.

E = efficiency of longitudinal welded joint =90 percent.

* * * * *

(e) When a tank is divided into compartments, the interior heads must comply with the requirements for interior compartment heads prescribed herein. When the capacity is reduced by the insertion of a new interior head, this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with at least one open drain-hole at their lowest point, and a tapped hole at top of tank. The top hole must be closed with not less than ¾ inch or not more than 1½ inch solid pipe plugs having standard pipe threads.

§ 78.291–20 Tests of safety valves.

(a) Each valve must be tested, before being put into service, by attaching to an air line and applying pressure. The valve must not leak below 28 pounds pressure. The valve must open at the pressure prescribed in § 78.291–15(b), with a plus or minus 3 pounds.

In § 78.292–4 amend paragraphs (a) and (e) (23 F.R. 7659, Oct. 3, 1958) (22 F.R. 7844, Oct. 3, 1957) to read as follows:

§ 78.292 Specification ICC–103A–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.292–4 Thickness of plates.

(a) The plate thickness shall not be less than that obtained by calculation using the following formula; and in no case be less than ½ inch:

$$t=\frac{Pd}{2SE}$$

where
t = thickness in inches of thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B-209 Alloy 996A—1060 =9,500 psi.
ASTM B-209 Alloy 990A—1100 =11,000 psi.
ASTM B-209 Alloy M1A—3003 =14,000 psi.
ASTM B-209 Alloy GR20A—5052=25,000 psi.
ASTM B-209 Alloy GS11A—6061 =24,000 psi.
ASTM B-209 Alloy GR40A—5154=30,000 psi.
ASTM B-209 Alloy GM40A—5086=35,000 psi.
ASTM B-209 Alloy GM31A—5454=31,000 psi.

E = efficiency of longitudinal welded joint =90 percent.

* * * * *

(e) When a tank is divided into compartments, the interior heads must comply with the requirements for interior compartment heads prescribed herein. When the capacity is reduced by the insertion of a new interior head, this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with at least one open drain-hole at their lowest point, and a tapped hole at top of tank. The top hole must be closed with not less than ¾ inch or not more than 1½ inch solid pipe plugs having standard pipe threads.

In § 78.294–4 amend paragraph (a) (23 F.R. 7660, Oct. 3, 1958) to read as follows:

§ 78.294 Specification ICC–105A100–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.294–4 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where
t = thickness in inches of thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B-209 Alloy 996A—1060 =9,500 psi.
ASTM B-209 Alloy 990A—1100 =11,000 psi.
ASTM B-209 Alloy M1A—3003 =14,000 psi.
ASTM B-209 Alloy GR20A—5052=25,000 psi.
ASTM B-209 Alloy GS11A—6061 =24,000 psi.
ASTM B-209 Alloy GR40A—5154=30,000 psi.
ASTM B-209 Alloy GM40A—5086=35,000 psi.
ASTM B-209 Alloy GM31A—5454=31,000 psi.

E = efficiency of longitudinal welded joint =90 percent.

In § 78.296–4 amend paragraph (c); in § 78.296–5 amend paragraph (d) (21 F.R. 4617, June 26, 1956) to read as follows:

§ 78.296 Specification ICC–103B100–W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.296–4 Thickness of plates.

* * * * *

(c) Tank must be lined with rubber, or other approved material, at least 5/32 inch thick except over all rivets and seams formed by attachments where the lining must be double thickness. The lining must overlap at least 1½ inches at all edges, which must be straight and be beveled to an angle of approximately 45 degrees. An additional reinforcing pad at least 4½ feet square and at least ½ inch thick must be applied by vulcanizing to the lining on bottom of tank directly under the dome. Edges of pad must be beveled to an angle of approximately 45 degrees. An opening in this pad for sump is permitted. No lining shall be under tension when applied except that due to conformation over rivet heads. Interior of tank must be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

§ 78.296–5 Material.

* * * * *

(d) Each tank must be lined with acid-resisting rubber, or other approved material, vulcanized or bonded directly or otherwise attached to the metal tank, to provide a non-porous laminated lining.

In § 78.297–4 amend paragraph (e); in § 78.297–20 amend paragraph (a) (21 F.R. 4619, 4620, June 26, 1956) to read as follows:

§ 78.297 Specification ICC–103D–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.

§ 78.297–4 Thickness of plates.

* * * * *

(e) When tank is divided into compartments the interior head must comply with the requirements for interior compartment heads prescribed herein. When the capacity is reduced by the insertion of a new interior head this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with a tapped drain-hole at their lowest point, and a tapped hole at top of tank. The top hole must be closed, and the bottom hole may be closed, with not less than ¾ inch nor more than 1½ inch solid pipe plugs having standard pipe threads.

§ 78.297–20 Tests of safety valves.

(a) Valve must be tested, before being put into service, by attaching to an air line and applying pressure. The valve must not leak below 28 pounds pressure. The valve must open at the pressure prescribed in § 78.297–15(b), with a tolerance of plus or minus 3 pounds.

In § 78.298–4 amend paragraph (e); in § 78.298–20 amend paragraph (a) (21 F.R. 4621, 4622, June 26, 1956) to read as follows:

§ 78.298 Specification ICC–103E–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.

§ 78.298–4 Thickness of plates.

* * * * *

(e) When tank is divided into compartments the interior head must comply with the requirements for interior compartment heads prescribed herein. When the capacity is reduced by the insertion of a new interior head this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with a tapped drain-hole at their lowest point, and a tapped hole at top of tank. The top hole must be closed, and the bottom hole may be closed, with not less than ¾ inch nor more than 1½ inch solid pipe plugs having standard pipe threads.

§ 78.298–20 Tests of safety valves.

(a) Valve must be tested, before being put into service, by attaching to an air line and applying pressure. The valve must not leak below 28 pounds pressure.

The valve must open at the pressure prescribed in § 78.298–15(b), with a tolerance of plus or minus 3 pounds.

In § 78.299–4 amend paragraph (e) (21 F.R. 4623, June 26, 1956) to read as follows:

§ 78.299 Specification ICC–103A–N–W; fusion-welded nickel or nickel alloy tanks to be mounted on or forming part of a car.

§ 78.299–4 Thickness of plates.

* * * * *

(e) When tank is divided into compartments the interior head must comply with the requirements for interior compartment heads prescribed herein. When the capacity is reduced by the insertion of a new interior head this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with a tapped drain-hole at their lowest point, and a tapped hole at top of tank. The top hole must be closed, and the bottom hole may be closed, with not less than ¾ inch nor more than 1½ inch solid pipe plugs having standard pipe threads.

In § 78.300–4 amend paragraph (a) (23 F.R. 7661, Oct. 3, 1958) to read as follows:

§ 78.300 Specification ICC–105A300–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.300–4 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank shall be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where

t = thickness in inches of thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–209 Alloy GR20A—5052=25,000 psi.
ASTM B–209 Alloy GS11A—6061 =24,000 psi.
ASTM B–209 Alloy GR40A—5154=30,000 psi.
ASTM B–209 Alloy GM40A—5086=35,000 psi.
ASTM B–209 Alloy GM31A—5454=31,000 psi.

E = efficiency of longitudinal welded joint =90 percent.

In § 78.302–4 amend paragraph (a) (23 F.R. 7661, Oct. 3, 1958) to read as follows:

§ 78.302 Specification ICC–109A100–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.302–4 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where

t = thickness in inches of thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–209 Alloy 996A—1060 =9,500 psi.
ASTM B–209 Alloy 990A—1100 =11,000 psi.
ASTM B–209 Alloy M1A—3003 =14,000 psi.
ASTM B–209 Alloy GR20A—5052=25,000 psi.
ASTM B–209 Alloy GS11A—6061 =24,000 psi.
ASTM B–209 Alloy GR40A—5154=30,000 psi.
ASTM B–209 Alloy GM40A—5086=35,000 psi.
ASTM B–209 Alloy GM31A—5454=31,000 psi.

E = efficiency of longitudinal welded joint =90 percent.

In § 78.303–18 amend paragraph (b) (23 F.R. 2333, Apr. 10, 1958) to read as follows:

§ 78.303 Specification ICC–111A100–W–1; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.303–18 Gauging devices.

* * * * *

(b) When loading and unloading devices (see § 78.303–17(a)) are applied to permit tank to be loaded with manway cover closed, a telltale pipe must be applied with a ¼-inch control valve mounted outside of the tank and enclosed within a cap or housing. The telltale pipe shall measure a liquid level that will indicate an outage not less than that specified in § 78.303–13(a).

In § 78.306–11 redesignate paragraph (a) (7) and (8) to (a) (8) and (9), respectively, and add paragraph (a) (7) (22 F.R. 4807, July 9, 1957) to read as follows:

§ 78.306 Specification ICC–111A100–W–4; fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.306–11 Marking.

(a) * * *

(7) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in subparagraphs (2) and (3) of this paragraph. This mark must also be stenciled on the jacket immediately below the dome platform and directly behind or within 3 feet of the right or left side of the ladder, or ladders, if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY
000000 POUNDS

(8) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(9) Tanks made of clad plates must be stenciled on the tank, or jacket if lagged, "(naming material)_____clad tank". Lined tanks must be stenciled on the tanks, or jacket if lagged, "(naming material)_____lined tank". These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

In § 78.308–4 amend paragraph (a) (23 F.R. 7662, Oct. 3, 1958) to read as follows:

§ 78.308 Specification ICC–105A200–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.308–4 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where

t = thickness in inches of thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–209 Alloy 996A—1060 =9,500 psi.
ASTM B–209 Alloy 990A—1100 =11,000 psi.
ASTM B–209 Alloy M1A—3003 =14,000 psi.
ASTM B–209 Alloy GR20A—5052=25,000 psi.
ASTM B–209 Alloy GS11A—6061 =24,000 psi.
ASTM B–209 Alloy GR40A—5154=30,000 psi.
ASTM B–209 Alloy GM40A—5086=35,000 psi.
ASTM B–209 Alloy GM31A—5454=31,000 psi.

E = efficiency of longitudinal welded joint =90 percent.

In § 78.309–3 amend paragraph (c); in § 78.309–5 amend paragraph (d) (23 F.R. 7663, Oct. 3, 1958) to read as follows:

§ 78.309 Specification ICC–111A100–W–5; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.

§ 78.309–3 Thickness of plates.

* * * * *

(c) Tank must be lined with rubber, or other approved material, at least 5/32 inch thick. The lining must overlap at least 1½ inches at all edges, which must be straight and be beveled to an angle of approximately 45 degrees. An additional reinforcing pad at least 4½ feet square and at least ½ inch thick must be applied by vulcanizing to the lining on bottom of tank directly under the manway opening. The edges of pad must be beveled to an angle of approximately 45 degrees. An opening in this pad for sump is permitted. No lining shall be under tension when applied. Interior of tank must be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

§ 78.309–5 Material.

* * * * *

(d) Each tank or compartment thereof must be lined with acid-resisting rubber, or other approved material, vulcanized or bonded directly or otherwise attached to the metal tank to provide a non-porous laminated lining.

Add § 78.310 (21 F.R. 4628, June 26, 1956) to read as follows:

§ 78.310 Specification ICC–111A60AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

(a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as

prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.310–1 Type.

(a) Tanks built under this specification must be cylindrical with heads designed convex outward. When the interior of the tank is divided into compartments, each compartment must have two heads designed convex outward. The tank shell, or each compartment, must be provided with manway and such other external projections as are prescribed herein.

§ 78.310–2 Bursting pressure.

(a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must not be less than 240 pounds per square inch.

§ 78.310–3 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than ½ inch:

$$t=\frac{Pd}{2SE}$$

where

t = thickness in inches of the thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–209 Alloy 996A—1060 =9,500 psi.
ASTM B–209 Alloy 990A—1100 =11,000 psi.
ASTM B–209 Alloy M1A—3003 =14,000 psi.
ASTM B–209 Alloy GR20A—5052=25,000 psi.
ASTM B–209 Alloy GS11A—6061 =24,000 psi.
ASTM B–209 Alloy GR40A—5154=30,000 psi.
ASTM B–209 Alloy GM40A—5086=35,000 psi.
ASTM B–209 Alloy GM31A—5454=31,000 psi.

E = efficiency of longitudinal welded joint =90 percent.

(1) For tanks without an underframe, the cylindrical portion of the tank must have a thickness that will result in stress not exceeding one-third of the minimum ultimate tensile strength of the alloy used as a result of 800,000 pounds impact and the end load ratio must not exceed 0.05.

(b) The thickness of an ellipsoidal head in which the ellipsoid of revolution has the major axis equal to the inside diameter of the shell and the minor axis is one-half the major axis, shall be determined by the following formula:

$$t=\frac{Pd}{2SE}$$

where

t = thickness of plate in inches;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch (see paragraph (a) of this section);
E = efficiency of welded joint, if any, =90 percent; if head is made of one piece, E=100 percent.

§ 78.310–4 Openings in tank.

(a) Openings for manway nozzle or other fittings must be reinforced in an approved manner.

§ 78.310–5 Material.

(a) All plates for tank must be made of aluminum alloy to an approved specification and be suitable for fusion-welding and not subject to rapid deterioration by the lading.

(b) Aluminum alloy castings for fittings or attachment to tank must be made of material to an approved specification.

(c) All rivets must be made of an aluminum alloy to an approved specification. They must be handled and driven in a manner that will insure the requisite strength.

(d) All external projections which may be in contact with the lading must be made of material specified herein.

§ 78.310–6 Tank heads.

(a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half the major axis.

(a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by the Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A.A.R. Welding Code, Appendix W.

§ 78.310–8 Stress relieving.

(a) Not a specification requirement.

§ 78.310–9 Tank mounting.

(a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.310–10 Test of tanks.

(a) Each tank must be tested by completely filling tank and nozzles with water, or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 60 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) If tanks are lagged, the test of tank must be made before lagging is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.310–7(a).

§ 78.310–11 Marking.

(a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification, as follows:

(1) ICC–111A60AL–W and specification number of material used in tank shell in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. ICC–111A60AL–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high, immediately below the stenciled mark specified in subparagraph (1) of this paragraph.

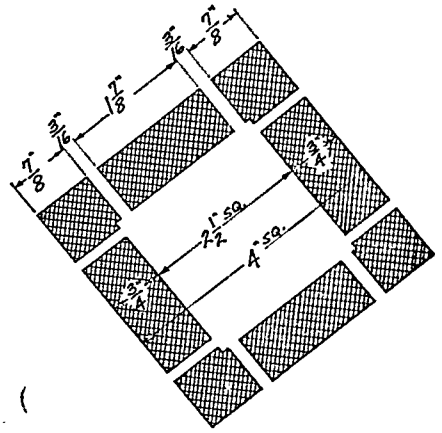
(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater system was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least one inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Identification mark, illustrated herein, for manway closure must be stenciled on each side of manway nozzle, or jacket if lagged, in line with the ladders and in a color contrasting to color of manway nozzle.



Manhole Closure Identification Mark
(Reduced size)

§ 78.310–12 Reports.

(a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

§ 78.310–13 Outage.

(a) Tanks built to this specification will require a minimum outage of 2 percent. The outage must be provided for in the tank shell.

§ 78.310–14 Lagging.

(a) Not a specification requirement. If applied, the tank shell must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weathertight.

(b) Before lagging is applied, the exterior tank surface and the interior surface of the metal jacket shall be given a protective coating.

§ 78.310–15 Closure for manway.

(a) The manway cover must be of approved type and designed to make it impossible to remove the cover while the interior of the tank is subjected to pressure.

(b) Manway covers must be made of cast, forged or fabricated aluminum alloys or other approved materials. Manway nozzle must be made of cast, forged or fabricated aluminum alloys and must be of good weldable quality in conjunction with the metal of tank. Opening in the manway nozzle must not be less than 16 inches in diameter.

(c) All covers not hinged to tank must be attached to outside of the tank by at least a ⅜ inch chain or its equivalent.

(d) All joints between manway covers and their seats must be made tight against leakage of vapor and liquid by use of gaskets of suitable material.

§ 78.310–16 Bottom outlets.

(a) The bottom outlet, when installed, must be made of metal not subject to rapid deterioration by the lading, be of approved design and be provided with a liquid tight closure at the outlet end.

(b) The valve operating mechanism and outlet nozzle construction must be such as to insure against unseating the valve due to stresses or shocks incidental to transportation.

(c) Bottom outlet nozzle may be of cast, forged or fabricated metal. If outlet nozzle is welded to tank, it must be of cast, forged or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.

(e) For outlet nozzles that extend 6 inches or more from the shell of tank, a "V" groove must be cut (not cast) in the upper part of the outlet nozzle at a point immediately below lowest part of valve to a depth that will leave thickness of nozzle wall at the root of the "V" not over ⅜ inch. In the case of steam jacketed outlet nozzles, this groove must be below the steam chamber, but not more than 15 inches from the tank. Where the outlet nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(f) The flange on the outlet nozzle must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of the lading, or other causes, and which will insure that accidental breakage of the outlet nozzle will occur at or below the "V" groove.

(g) The valve must have no wings or stem projecting below the "V" groove in the outlet nozzle. The valve and seat must be readily accessible or removable for repairs, including grinding.

(h) The valve operating mechanism must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of the liquid contents, or other causes, and should operate from the exterior of the tank. Leakage must be prevented by packing in stuffing box, or other suitable seals, and a cap.

(i) In no case must extreme projection of bottom outlet equipment extend to within 12 inches above top of rail. All bottom outlet reducers and closures and their attachments must be secured to car with at least a ⅜-inch chain or its equivalent, except that outlet closure plugs may be attached by ¼-inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection of the valve must be closed by a plug or cap.

§ 78.310–17 Venting, loading and unloading devices.

(a) Installation of these devices is optional, and when installed, these devices and fittings must be of an approved design, and made of materials not subject to rapid deterioration by the lading.

(b) The venting device shall be an opening to permit application of pressure to tank. The loading and unloading device shall be a pipe extending down to the bottom of the tank so that, by application of pressure, the contents of the tank can be completely removed. The pipe shall be securely anchored at its lower end to prevent damage from surge of liquid.

(c) These devices must be equipped with valves to provide for the loading and unloading of the contents. These devices, including valves, must be of an approved design and be provided with a protective housing or equivalent. Provision must be made for closing pipe connections of valves.

§ 78.310–18 Gauging device.

(a) Outage for these tanks must be provided within the tank shell, therefore, an outage scale visible from manway when cover is open must be provided.

(b) A telltale pipe must be applied with a ¼-inch control valve mounted outside of the tank and enclosed within a cap. The telltale pipe shall measure a liquid level that will indicate an outage not less than that specified in § 78.310–13(a).

§ 78.310–19 Vacuum breaker.

(a) To prevent pressure reduction of more than 1½ pounds per square inch below atmospheric pressure, when unloading a tank with a closed manway cover, or from drop in temperature with subsequent shrinkage of lading, each tank shall be equipped with a valve of approved design.

§ 78.310–20 Safety valves.

(a) The tank, or each compartment thereof, must be equipped with one or more safety valves of approved design, mounted on suitable nozzles securely attached to the top of the tank. Total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 45 pounds per square inch.

(b) Each safety valve must be set for a start-to-discharge pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.310–21(a).)

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped, must have one safety vent made of approved material at least 1¾ inches inside diameter closed with a frangible disc of suitable material, of a thickness that will rupture at a pressure not exceeding 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "not for flammable liquids."

§ 78.310–21 Test of safety valves.

(a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valves must start to discharge at the pressure prescribed above with a tolerance of plus or minus 3 pounds.

§ 78.310–22 Interior heater systems.

(a) Not a specification requirement. When installed, see §§ 78.260 and 78.261, heater systems.

(b) Flanges for interior heater systems and plugs must be of cast, forged or fabricated metal. Flanges must be of good weldable quality in conjunction with the metal of the tank.

(c) Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tank.

(d) Interior heater systems must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

Add § 78.311 (21 F.R. 4628, June 26, 1956) to read as follows:

§ 78.311 Specification ICC–111A100–W–6; fusion-welded alloy steel tanks to be mounted on or forming part of a car.

(a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.311–1 Type.

(a) Tanks built under this specification must be cylindrical with heads designed convex outward. When the interior of the tank is divided into compartments, each compartment must have two heads designed convex outward. The tank shell, or each compartment, must be provided with manway and such other external projections as are prescribed herein.

§ 78.311–2 Bursting pressure.

(a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be not less than 500 pounds per square inch.

§ 78.311–3 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than 7/16 inch:

$$t=\frac{Pd}{2SE}$$

where

t = thickness in inches of the thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch;
E = efficiency of longitudinal welded joint =90 percent.

(1) For tanks without an underframe, the cylindrical portion of the tank must have a thickness that will result in stress not exceeding 16,000 pounds per square inch as a result of 800,000 pounds impact and the end load ratio must not exceed 0.05.

(b) The thickness of an ellipsoidal head in which the ellipsoid of revolution has the major axis equal to the inside diameter of the shell and the minor axis is one-half the major axis, shall be determined by the following formula:

$$t=\frac{Pd}{2SE}$$

where

t = thickness of plate in inches;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch;
E = efficiency of welded joint, if any, =90 percent; if head is made of one piece, E=100 percent.

§ 78.311–4 Openings in the tank.

(a) Openings for manway nozzle or other fittings must be reinforced in an approved manner.

§ 78.311–5 Material.

(a) All plates for tank must be to an approved specification and be made of metal capable of resisting the action of nitric acid as follows:

(1) The maximum corrosion rate in inches penetration per month in the standard 65 percent boiling nitric acid test shall be 0.006 inch for the straight chromium-bearing stainless steel and 0.0015 inch for any of the chromium nickel alloys and modified chromium nickel type, this figure to be an average of five 48 hour periods.

(b) All alloy castings and forgings used for fittings or attachments to tank must be to an approved specification and not subject to rapid deterioration by the lading.

§ 78.311–6 Tank heads.

(a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half the major axis.

§ 78.311–7 Welding.

(a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by the Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A.A.R. Welding Code, Appendix W.

§ 78.311–8 Heat treatment.

(a) All welding of the tank shell and of attachments welded directly thereto must be heat treated as a unit to remove stresses and at the proper temperature to obtain the corrosion resistance specified in § 78.311–5(a)(1).

§ 78.311–9 Tank mounting.

(a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.311–10 Tests of tanks.

(a) Each tank must be tested by completely filling the tank and manway nozzle with water, or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 100 pounds per square inch. The tank must hold the pressure for at least 10 minutes without leakage or evidence of distress.

(b) If tanks are lagged, the test of tank must be made before lagging is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.311–7(a).

§ 78.311–11 Marking.

(a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification as follows:

(1) ICC–111A100–W and specification number of material used in tank shell in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. ICC–111A100–W–6 must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car, using the classification group number for the stenciled marking.

(2) Initials of tank builder and date of original test of tank, in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater system was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.311–12 Reports.

(a) Before a tank car is placed in service, the party assembling the completed

car must furnish to the car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application showing initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

§ 78.311–13 Outage.

(a) Tanks will be loaded with a minimum outage of 2 percent. This outage must be provided for in the tank shell.

§ 78.311–14 Lagging.

(a) Not a specification requirement. If applied, the tank shell must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weathertight.

(b) Before lagging is applied, the exterior tank surface and the interior surface of the metal jacket shall be given a protective coating.

§ 78.311–15 Closure for manway.

(a) The manway cover must be of an approved type and designed to make it impossible to remove the cover while the interior of the tank is subjected to pressure.

(b) Manway nozzle and cover must be made of the metal prescribed in § 78.311–5 (a) or (b), whichever applies. Nozzle must be made of cast, forged or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(c) All covers not hinged must be attached to outside of tank by at least a ⅜ inch chain or its equivalent.

(d) All joints between manway covers and their seats must be made tight against leakage of vapor or liquid by use of gaskets of suitable material.

§ 78.311–16 Bottom outlets.

(a) The bottom outlet, when installed, must be made of metal not subject to rapid deterioration by the lading, be of approved design and be provided with a liquid tight closure at the outlet end.

(b) The valve operating mechanism and outlet nozzle construction must be such as to insure against unseating the valve due to stresses or shocks incidental to transportation.

(c) Bottom outlet nozzle may be of cast, forged or fabricated metal. If outlet nozzle is welded to tank, it must be of cast, forged or fabricated metal and be of good weldable quality in conjunction with the metal of the tank.

(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1 inch threaded pipe plug.

(e) For outlet nozzles that extend 6 inches or more from the shell of the tank, a "V" groove must be cut (not cast) in the upper part of the outlet nozzle at a point immediately below lowest part of valve to a depth that will leave thickness of nozzle wall at the root of the "V" not over ⅜ inch. In the case of steam jacketed outlet nozzles, this groove must be below the steam chamber, but not more than 15 inches from the tank. Where the outlet nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(f) The flange on the outlet nozzle must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of the lading, or other causes, and which will insure that accidental breakage of the outlet nozzle will occur at or below the "V" groove.

(g) The valve must have no wings or stem projecting below the "V" groove in the outlet nozzle. The valve and seat must be readily accessible or removable for repairs, including grinding.

(h) The valve operating mechanism must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of the liquid contents, or other causes, and should operate from the exterior of the tank. Leakage must be prevented by packing in stuffing box or other suitable seals and a cap.

(i) In no case must extreme projection of bottom outlet equipment extend to within 12 inches above top of rail. All bottom outlet reducers and closures and their attachments must be secured to car by at least a ⅜ inch chain or its equivalent, except that outlet closure plugs may be attached by ¼ inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection of the valve must be closed by a plug or cap.

§ 78.311–17 Venting, loading and unloading devices.

(a) Installation of these devices is optional, and when installed, these devices and fittings must be of an approved design, and made of materials not subject to rapid deterioration by the lading.

(b) The venting device shall be an opening to permit application of pressure to tank. The loading and unloading device shall be a pipe extending down to the bottom of the tank so that, by application of pressure, the contents of the tank can be completely removed. The pipe shall be securely anchored at its lower end to prevent damage from surge of liquid.

(c) These devices must be equipped with valves to provide for the loading and unloading of the contents. These devices including valves, must be of an approved design and be provided with a protective housing or equivalent. Provision must be made for closing pipe connections of valves.

§ 78.311–18 Gauging devices.

(a) Outage for these tanks must be provided within the tank shell, therefor, an outage scale visible from manway when cover is open must be provided.

(b) When loading and unloading devices, see § 78.311–17(a), are applied to permit tank to be loaded with manway cover closed, a telltale pipe must be applied with a ¼ inch control valve mounted outside of the tank and enclosed within a cap. The telltale pipe shall measure a liquid level that will indicate an outage not less than that specified in § 78.311–13(a).

§ 78.311–19 Vacuum breaker.

(a) To prevent pressure reduction of more than 1½ pounds per square inch below atmospheric pressure, when unloading a tank with a closed manway cover, or from drop in temperature with subsequent shrinkage of lading, each tank shall be equipped with a valve of approved design.

§ 78.311–20 Safety valves.

(a) The tank, or each compartment thereof, must be equipped with one or more safety valves of approved design, mounted on suitable nozzles securely attached to the top of the tank. Total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 85 pounds per square inch.

(b) Each safety valve must be set for a start-to-discharge pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch. (For tolerance see § 78.311–21(a).)

(c) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped, must have a safety vent at least 1¾ inches inside diameter, closed with a frangible disc of lead or other suitable material, of a thickness that will rupture at a pressure of not more than 75 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not For Flammable Liquids".

§ 78.311–21 Tests of safety valves.

(a) Each valve must be tested by air or gas before being put into service. The valve must start to discharge at a pressure of 75 pounds per square inch and be vapor tight at 60 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination. The valves must start to discharge at the pressure prescribed in § 78.311–20(b) with a tolerance of plus or minus 3 pounds.

§ 78.311–22 Interior heater systems.

(a) Not a specification requirement. When installed, see §§ 78.260 and 78.261, heater systems.

(b) Flanges for interior heater systems and plugs must be of cast, forged or fabricated material complying with the re-

quirements of § 78.311–5 (a) or (b), whichever applies.

(c) Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of the contents of tank.

(d) Interior heater systems must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

In § 78.313–4 amend paragraph (a) (23 F.R. 7664, Oct. 3, 1958) to read as follows:

§ 78.313 Specification ICC–109A200–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.313–4 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where

t = thickness in inches of thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–209 Alloy 996A—1060 =9,500 psi.
ASTM B–209 Alloy 990A—1100 =11,000 psi.
ASTM B–209 Alloy M1A—3003 =14,000 psi.
ASTM B–209 Alloy GR20A—5052=25,000 psi.
ASTM B–209 Alloy GS11A—6061 =24,000 psi.
ASTM B–209 Alloy GR40A—5154=30,000 psi.
ASTM B–209 Alloy GM40A—5086=35,000 psi.
ASTM B–209 Alloy GM31A—5454=31,000 psi.

E = efficiency of longitudinal welded joint =90 percent.

In § 78.314–4 amend paragraph (a) (23 F.R. 7664, Oct. 3, 1958) to read as follows:

§ 78.314 Specification ICC–109A300–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.

§ 78.314–4 Thickness of plates.

(a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where

t = thickness in inches of thinnest plate;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–209 Alloy GR20A—5052=25,000 psi.
ASTM B–209 Alloy GS11A—6061 =24,000 psi.
ASTM B–209 Alloy GR40A—5154=30,000 psi.
ASTM B–209 Alloy GM40A—5086=35,000 psi.
ASTM B–209 Alloy GM31A—5454=31,000 psi.

E = efficiency of longitudinal welded joint =90 percent.

Subpart J—Specifications for Containers for Motor Vehicle Transportation

In § 78.321–18 amend paragraph (b) (1) (16 F.R. 11786, Nov. 21, 1951) to read as follows:

§ 78.321 Specification MC 300; cargo tanks constructed of mild (open hearth or blue annealed) steel, or combination of mild steel with high-tensile steel, or of stainless steel.

§ 78.321–18 Bulkheads, baffles, and ring stiffeners.

* * * * *

(b) * * *

(1) Every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments none of which shall exceed 2,500 gallons. Flat bulkheads without reinforcement shall not be permitted. Each compartment having a capacity exceeding 1,200 gallons shall be provided with baffles unless it is used in a service in which it is never loaded less than eighty percent (80%) full and is completely discharged at one unloading point.

In § 78.322–18 amend paragraph (b) (1) (15 F.R. 8548, Dec. 2, 1950) to read as follows:

§ 78.322 Specification MC 301; cargo tanks constructed of welded aluminum alloy (grade 3S).

§ 78.322–18 Bulkheads, baffles, and ring stiffeners.

* * * * *

(b) * * *

(1) Every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments none of which shall exceed 2,500 gallons. Flat bulkheads without reinforcement shall not be permitted. Each compartment having a capacity exceeding 1,200 gallons shall be provided with baffles unless it is used in a service in which it is never loaded less than eighty percent (80%) full and is completely discharged at one unloading point.

In § 78.323–18 amend paragraph (b) (1) (15 F.R. 8551, Dec. 2, 1950) to read as follows:

§ 78.323 Specification MC 302; cargo tanks constructed of welded aluminum alloy (ASTM B209–57T).

§ 78.323–18 Bulkheads, baffles, and ring stiffeners.

* * * * *

(b) * * *

(1) Every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments none of which shall exceed 2,500 gallons. Flat bulkheads without reinforcement shall not be permitted. Each compartment having a capacity exceeding 1,200 gallons shall be provided with baffles unless it is used in a service in which it is never loaded less than eighty percent (80%) full and is completely discharged at one unloading point.

In § 78.324–17 amend paragraph (b) (1) (15 F.R. 8553, Dec. 2, 1950) to reads as follows:

§ 78.324 Specification MC 303; cargo tanks constructed of welded ferrous alloy (high-tensile steel) or stainless steel.

§ 78.324–17 Bulkheads, baffles, and ring stiffeners.

* * * * *

(b) * * *

(1) Every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments none of which shall exceed 2,500 gallons. Flat bulkheads without reinforcement shall not be permitted. Each compartment having a capacity exceeding 1,200 gallons shall be provided with baffles unless it is used in a serivce in which it is never loaded less than eighty percent (80%) full and is completely discharged at one unloading point.

In § 78.325–9 amend paragraph (b) (20 F.R. 8114, Oct. 28, 1955) to read as follows:

§ 78.325 Specification MC 304 for cargo tanks for the transportation of flammable liquids and poisonous liquids, class B having Reid (ASTM D–323) vapor pressures of 18 pounds per square inch absolute at 100° F.

§ 78.325–9 Bulkheads, baffles, and ring stiffeners.

* * * * *

(b) When bulkheads required: Except as provided in paragraph (a) of this section, every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments none of which shall exceed 2,500 gallons. Flat bulkheads without reinforcement shall not be permitted. Each compartment having a capacity exceeding 1,200 gallons shall be provided with baffles unless it is used in a service in which it is never loaded less than eighty percent (80%) full and is completely discharged at one unloading point.

In § 78.326–14 amend paragraph (b) (22 F.R. 11037, Dec. 31, 1957) to read as follows:

§ 78.326 Specification MC 305; cargo tanks constructed of aluminum alloys for high-strength welded construction.

§ 78.326–14 Bulkheads, baffles, and ring stiffeners.

* * * * *

(b) When bulkheads required: Except as provided in paragraph (a) of this section every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments none of which shall exceed 2,500 gallons. Flat bulkheads without reinforcement shall not be permitted. Each compartment having a capacity exceeding 1,200 gallons shall be provided with baffles unless it is used in a service in which it is never loaded less than eighty percent (80%) full and is completely discharged at one unloading point.

APPENDIX

Section, Paragraph, and Reason for Amendment

72.5(a) Commodity List—Provides additions and changes to keep commodity list on a current basis.

73.22(g)—Provides for the use of spec. 2S polyethylene drums manufactured prior to the date of effective change in the construction requirements.

73.28(h)—Clarifies that single-trip containers must be retested in accordance with approved methods before each refilling when authorized for reuse.

73.31(a) table and footnote 8—Deletes reference to spec. 103AL and 103C–AL tank cars authorized by Special Orders for which use is now appropriately specified in §§ 73.119(a) (13) and 73.268(b) (2).

73.31(g) (9) table 1 and footnotes h, i, and j—Eliminates interior heater sys-

tem retest requirements for spec. 105A100–W, 105A100AL–W, and 109A100AL–W tank car tanks; provides retest requirements for new spec. 111A60AL–W and 111A100–W–6 tank cars; provides 3 psi. tolerance for safety valves on spec. 111A100–W–1, 111A100–W–3, and 111A100–W–4 tank cars; provides for the retesting of safety valves on cars in bromine service and on cars that are glass or rubber lined; provides retest periods for USG–A, B, and C tank cars.

73.32(a) (2)—Provides a greater load limitation for trailerships and containerships transporting portable tank containers.

73.33(a) (1)—Provides a greater load limitation for trailerships and containerships transporting cargo tank containers.

73.53(t)—Provides reference to new § 73.236 pertaining to rocket motors classed as flammable solid.

73.63(c) (1) (iii)—To make optional the requirement to enclose two or more cartridges of dynamite, that must be redipped, in a paper shell to form a completed cartridge.

73.86(a)—To be consistent, "Air Corps" is changed to "Air Force".

73.88(e)—Provides reference to new § 73.236 pertaining to rocket motors classed as flammable solid.

73.100(cc)—Defines mild detonating fuse, metal clad.

73.101(a)—As an additional means of packaging, small-arms are authorized to be packed in partitions designed to fit snugly in the outside container.

73.104, entire section—Provides packaging requirements for the shipment of mild detonating fuse, metal clad.

73.119(a) (12)—Authorizes the use of new spec. 111A60AL–W and 111A100–W–6 tank cars for flammable liquids not specifically provided for.

73.119(a) (13)—Provision for the use of spec. 103AL aluminum tank cars for certain flammable liquids, authorized by Special Orders, was previously contained in § 73.31(a) table footnote 8. This item was erroneously deleted by previous Order.

73.119(a) (17)—Authorizes the use of spec. MC 305 aluminum cargo tank for the transportation of flammable liquids.

73.119(a) (18)—Provides for the use of USG–A, B, and C tank cars, for flammable liquids having vapor pressures not exceeding 16 psia. at 100° F. This item was erroneously deleted by previous Order.

73.119(e) (2)—Authorizes the use of new spec. 111A60AL–W and 111A100–W–6 tank cars for flammable liquids having vapor pressures exceeding 16 psia. at 100° F.

73.119(e) (3)—Same as § 73.119(a) (17).

73.119(f) (4)—Authorizes the use of new spec. 111A60AL–W for flammable liquids having vapor pressures between 27 and 40 psia. at 100° F.

73.162(a) (5)—Exempts charcoal briquettes from the five-day holding period when properly cooled.

73.176(c)—As an additional means of packaging, strike-anywhere matches are authorized to be packed in securely closed inside boxes made of chipboard or fiberboard.

73.206(e) (1)—Requires cartridges of lithium metal, having wall thickness between 0.02 inch and 0.022 inch, to be separated or securely cushioned in outside box.

73.224(a) (3)—Authorizes the use of spec. 103, 103–W, and 111A100–W–1 tank cars for cumene hydroperoxide and paramenthane hydroperoxide.

73.236, entire section—Provides packaging requirements for the transportation of rocket motors of the flammable solid type.

73.245(a) (18)—Authorizes the use of polyethylene or other non-fragile plastic bottles as inside containers for acids or other corrosive liquids in spec. 12A fiberboard boxes.

73.247(a) (16)—Authorizes the use of spec. 106A500, 106A500X, and 110A500–W tank cars for antimony pentachloride only.

73.249(b) (4)—Authorizes the use of spec. 12B fiberboard boxes with inside polyethylene containers for certain corrosive liquids by rail express.

73.257(a) (6)—Allows a gross weight of 75 pounds instead of 65 pounds for spec. 12B or 12C fiberboard boxes containing electrolyte acid or corrosive battery fluid packed in individual inside containers.

73.268(b) (2)—Provision for the use of spec. 103C–AL aluminum tank car for nitric acid by Special Orders was previously contained in § 73.31(a) table footnote 8. This item was erroneously deleted by previous order.

73.268(b) (5),(c),(d),(e),(f)—Clarifies the packaging requirements for nitric acid of various percentage concentration.

73.269(a) (1)—Authorizes an increased quantity limitation for inside glass containers for perchloric acid to 5 pints per bottle in lieu of 5 lbs.

73.271(a) (9)—Provides an alternate thickness of nickel cladding for tank cars that are nickel clad and used in the transportation of certain corrosive liquids.

73.292(a) (2)—Authorizes the use of spec. MC 305 aluminum cargo tank for the transportation of hexamethylene diamine solution.

73.346(a) (10)—Authorizes the use of spec. 103AL–W and new spec. 111A60AL–W tank cars for class B poisonous liquids not specifically provided for.

73.346(a) (12)—Authorizes the use of spec. MC 305 aluminum cargo tank for the transportation of class B poisonous liquids, n.o.s.

73.347(a) (1) Note 1—Allows the quantity limitation to be set at 5 pints per bottle instead of 5 pounds for inside glass bottles of aniline oil.

73.347(a) (3)—Authorizes the use of spec. MC 305 aluminum cargo tank for the transportation of aniline oil.

73.351(a)—Reason for § 73.347(a) (1) Note 1 applies also to hydrocyanic acid solutions not over 2 percent strength.

73.352(a) (5)—Authorizes the use of spec. MC 305 aluminum cargo tank for the transportation of liquid sodium or potassium cyanide.

73.364(a)—Includes cyanogen bromide as a poison not exempt from specification packaging, marking, or labeling requirements.

73.365(a) (2)—Authorizes a greater gross weight of not to exceed 550 pounds for waste material containing arsenic trioxide.

73.369(a) (13)—Authorizes the use of new spec. 111A60AL–W tank car for carbolic acid.

73.369(a) (14)—Authorizes the use of spec. MC 305 aluminum cargo tank for the transportation of carbolic acid.

73.379(a)—Provides packaging requirements for the transportation of cyanogen bromide.

73.402(a) (13), (b) (1)—Clarification and to obtain uniformity in labeling requirements.

74.526(b)—Authorizes rocket ammunition to be loaded in cars other than closed cars.

78.35–3(a)—Authorizes a reduction in wall thickness of spec. 2S polyethylene drum; specifies a minimum container weight for each size drum; clarifies overage permitted.

78.82–7(a) table footnote 5—Permits drainage holes in spec. 5B steel drum when used in combination with spec. 2S polyethylene drum.

78.82–15(a)—Exempts spec. 5B drums, having drainage holes, from type tests and leakage tests prescribed in the specification.

78.100–12(a)—Exempts spec. 6J steel drums, having drainage holes, from type tests prescribed in the specification.

78.115–10(a) (1)—Authorizes STC markings on spec. 17C steel drums in areas other than above or below ICC specification marking.

78.116–10(a) (1)—Reason for § 78.115–10 applies also to spec. 17E steel drums.

78.117–11(a) (1)—Reason for § 78.115–10 applies also to spec. 17F steel drums.

78.118–10(a) (1)—Reason for § 78.115–10 applies also to spec. 17H steel drums.

78.119–10(a) (1)—Reason for § 78.115–10 applies also to spec. 17X steel drums.

78.130–8(a) (4)—Reason for § 78.115–10 applies also to spec. 37K steel drums.

78.131–6(a) table footnote 6—Permits drainage holes in spec. 37A steel drums when used in combination with spec. 2S polyethylene drum.

78.131–9(a) (4)—Reason for § 78.115–10 applies also to spec. 37A steel drums.

78.131–12(a)—Exempts spec. 37A steel drums, having drainage holes, from type tests prescribed in the specification.

78.132–9(a) (4)—Reason for § 78.115–10 applies also to spec. 37B steel drums.

78.133–6(a), (b)—Authorizes the use of a one-piece seamless molded polyethylene unit as an additional inside container in combination with spec. 37P steel drums.

78.205–7(a)—Authorizes the use of tapes other than cloth or sisal for spec. 12B fiberboard box.

78.205–11(c)—Specifies the size of tape required for joints in spec. 12B fiberboard boxes having various gross weights.

78.205–16(a)—Permits gross weights in excess of 65 pounds for spec. 12B fiberboard box when authorized by Part 73.

78.205–17(b)—Provides tape closure method for double and triple slide spec. 12B fiberboard boxes.

78.218–11(a)—Obviates the need to test small containers of spec. 23G construction when large containers of same construction successfully pass tests.

78.265–19(a)—To indicate correct subsection cross reference in spec. 103 tank car.

78.267–4(c), 78.267–5(d)—Provides for the use of suitable synthetic rubber linings in spec. 103B tank car.

78.269–19(a)—To indicate correct subsection cross reference in spec. 104 tank car.

78.280–4(g) Removes the requirement pertaining to the reduction of spec. 103–W tank capacity by moving in the exterior head.

78.280–21(a)—To indicate correct subsection cross reference in spec. 103–W tank car.

78.281–4(f) Reason for § 78.280–4 applies also to spec. 103A–W tank car.

78.282–4(c)—Provides for the use of suitable synthetic rubber linings in spec. 103B–W tank car.

78.282–4(f)—Reason for § 78.280–4 applies also to spec. 103B–W tank car.

78.282–5(d)—Provides for the use of suitable synthetic rubber linings in spec. 103B–W tank car.

78.283–4(e)—Reason for § 78.280–4 applies also to spec. 103C–W tank car.

78.284–4(g)—Reason for § 78.280–4 applies also to spec. 104–W tank car.

78.284–21(a)—To indicate correct subsection cross reference in spec. 104–W tank car.

78.291–4(a)—Provides for the use of aluminum alloy GM 31A in the construction of spec. 103AL–W tank car.

78.291–4(e)—Reason for § 78.280–4 applies also to spec. 103AL–W tank car.

78.291–20(a)—To indicate correct subsection cross reference in spec. 103AL–W tank car.

78.292–4(a)—Provides for the use of aluminum alloy GM 31A in the construction of spec. 103A–AL–W tank car.

78.292–4(e)—Reason for § 78.280–4 applies also to spec. 103A–AL–W tank car.

78.294–4(a)—Provides for the use of aluminum alloy GM 31A in the construction of spec. 105A100AL–W tank car.

78.296–4(c), 78.296–5(d)—Provides for the use of suitable synthetic rubber linings in spec. 103B100–W tank car.

78.297–4(e)—Reason for § 78.280–4 applies also to spec. 103D–W tank car.

78.297–20(a)—Provides requirement that safety valve must not leak below 28 pounds pressure; indicates correct subsection cross reference in spec. 103D–W tank car.

78.298–4(e)—Reason for § 78.280–4 applies also to spec. 103E–W tank car.

78.298–20(a)—Reason for § 78.297–20 applies also to spec. 103E–W tank car.

78.299–4(e)—Reason for § 78.280–4 applies also to spec. 103A–N–W tank car.

78.300–4(a)—Provides for the use of aluminum alloy GM 31A in the construction of spec. 105A300AL–W tank car.

78.302–4(a)—Provides for the use of aluminum alloy GM 31A in the construction of spec. 109A100AL–W tank car.

78.303–18(b)—Requires a telltale pipe to be applied to spec. 111A100–W–1 tank car when tank is loaded with the manway cover closed.

78.306–11(a)(7)—Provides for water weight capacity markings on spec. 111A100–W–4 tank car.

78.306–11(a)(8), (9)—Former paragraphs (a)(7), (8) are relettered (a)(8), (9) respectively, due to insertion of new paragraph (a)(7).

78.308–4(a)—Provides for the use of aluminum alloy GM 31A in the construction of spec. 105A200AL–W tank car.

78.309–3(c), 78.309–5(d)—Provides for the use of suitable synthetic rubber linings in spec. 111A100–W–5 tank car.

78.310, entire section—Provides for the construction of new spec. 111A60AL–W aluminum tank car.

78.311, entire section—Provides for the construction of new spec. 111A100–W–6 tank car.

78.313–4(a)—Provides for the use of aluminum alloy GM 31A in the construction of spec. 109A200AL–W tank car.

78.314–4(a)—Provides for the use of aluminum alloy GM 31A in the construction of spec. 109A300AL–W tank car.

78.321–18(b)(1)—Authorizes an increased capacity in compartments in spec. MC 300 and requires the use of baffles therein under certain conditions.

78.322–18(b)(1)—Reason for § 78.321–18 applies also to spec. MC 301 cargo tank.

78.323–18(b)(1)—Reason for § 78.321–18 applies also to spec. MC 302 cargo tank.

78.324–17(b)(1)—Reason for § 78.321–18 applies also to spec. MC 303 cargo tank.

78.325–9(b)—Reason for § 78.321–18 applies also to spec. MC 304 cargo tank.

78.326–14(b)—Reason for § 78.321–18 applies also to spec. MC 305 cargo tank.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 943]

[Docket No. AO–231–A11]

MILK IN NORTH TEXAS MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the North Texas marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Dallas, Texas, on December 15–16, 1958, pursuant to notice thereof which was issued December 2, 1958 (23 F.R. 9457).

A separate decision dealing with the elimination of a reclassification charge on fluid milk products in inventory which previously have been classified and priced as Class I milk under the order or another Federal order was issued on January 2, 1959 (24 F.R. 215) and an amendment to the order incorporating the recommendations of such decision became effective on January 15, 1959.

The remaining issues relate to:

1. Adding Murray County, Oklahoma, to those counties previously designated in the order, in which milk may be classified as Class II if transferred or diverted for manufacture into nonfluid milk products;

2. Modifying the classification provisions relating to sour cream, shrinkage, and skim milk and butterfat disposed of for animal feed;

3. Expanding the definition of handler to include (a) brokers, and (b) a cooperative association with respect to bulk tank milk of its member producers which it delivers from the farm to the pool plant of another handler;

4. Revising the method of computing skim milk and butterfat used in each class for fortifying milk products; and

5. Revising the transfer provisions relating to cream.

Findings and conclusions. The following findings and conclusions on the material issues are based on the evidence presented at the hearing and the record thereof:

1. The transfer provision in the order should be amended to add Murray County, Oklahoma, to the list of counties to which milk is permitted to be transferred or diverted for manufacturing uses and classified as Class II milk. The order provides that any milk shipped outside certain specified counties in fluid form shall be automatically classified as Class I milk.

Reserve supplies of milk for the market have increased considerably in recent months. Milk manufacturing facilities in the above-mentioned area designated in the order until recently were adequate to process such reserves. They are now inadequate to accommodate the increased supplies and it, therefore, is necessary to provide for an extension of the area to which milk may be moved for manufacture without being automatically subject to the Class I classification.

A large milk manufacturing plant is located in Murray County at Sulphur, Oklahoma. Its manufacturing facilities, in addition to those available in the nonpool plants in the counties previously provided for in the transfer provisions of the order, should be adequate to accommodate the increased reserve supplies of milk. The location of the Sulphur, Oklahoma, plant, moreover, is such that milk from producers located in Murray and in neighboring counties, when it is not needed for Class I use in the North Texas market, can be diverted to this nonpool plant more conveniently than to plants in the other designated counties.

To provide the immediate relief shown by the record to be necessary pending amendatory action on the issue, a suspension order was issued on December 23, 1958. That order suspended the transfer provisions which limited the area within which milk could be transferred or diverted to nonpool plants for manufacturing and be permitted the Class II classification. This permitted producer milk which was moved to and manufactured in nonpool plants anywhere to receive the Class II classification.

It is concluded that the provisions of the order suspended on December 23, 1958, should be re-instated and that Murray County, Oklahoma, should be added to the list of counties designated therein.

2. Skim milk and butterfat used to produce cultured sour cream and skim milk disposed of in the form of fluid milk products for use as animal feed should be classified as Class II milk. The allocation of shrinkage classified as Class II milk should be changed.

When the order was drafted, skim milk and butterfat disposed of as cultured sour cream were required to come from Grade A milk. As a consequence, cultured sour cream received a Class I milk product classification. Since then, cultured sour cream products, which are permitted to be made from ungraded milk and which are Class II milk in other markets, have been marketed in the North Texas area by handlers in St. Louis and other markets. Such products were permitted to be sold under such labels as "dairy dressing" or "food dressing", as long as the words "sour cream" were not used.

The city of Dallas now permits sour cream from ungraded sources to be sold in containers labeled with the words "sour cream", if the word "dressing" appears in equal prominence on the label. Much of the cultured sour cream from outside areas marketed in North Texas now is sold as "Sour cream dressing". Since this product is made from ungraded milk or from milk which is priced as Class II milk, North Texas handlers who must pay a Class I price for milk disposed of in the same product are at a decided competitive disadvantage and are losing their market to outside suppliers.

In view of the above-described circumstances, it is concluded that skim milk and butterfat used to produce cultured sour cream should be classified as Class II milk.

The present terms of the order provide for the classification as Class II milk of shrinkage up to 2 percent of the skim milk and butterfat in receipts from producers and of srinkage of other source milk received in the form of fluid milk products. Such classification applies to the first handler who physically receives the milk.

Under the present provisions, the shrinkage classification would apply to milk from producers received at a supply plant, but not to bulk milk which a distributing plant receives through transfer from a supply plant.

A producers' association proposed changing the provision to allocate part of the shrinkage tolerance to the pool plant which first-receives the milk from producers and part to the distributing plant to which such milk is transferred in bulk form for processing. It was stated that experience showed that an allowance of one-half of one percent was adequate to accommodate shrinkage losses incurred in performing receiving station functions, but that up to one and one-half percent should be permitted on the milk at the distributing plant since most of the loss generally is incurred in the processing of the milk.

No testimony was offered in opposition to the proposal. This method of prorating shrinkage between plants is in wide use in other markets and it is concluded that the proposal should be adopted. Thus, provision should be made to classify as Class II milk, skim milk and butterfat in shrinkage allocated to receipts of milk of producers in an amount not greater than one-half of one percent of the total receipts of skim milk and butterfat received directly from producers' farms plus one and one-half percent of the total pounds of skim milk and butterfat in milk, skim milk, and cream received in bulk in fluid form at a pool plant from both producers and other pool plants and which are not disposed of in bulk form to the pool plant of another handler.

The order also should be amended to provide that, in certain circumstances, skim milk disposed of in the form of fluid milk products for use as animal feed may be classified as Class II milk up to one-half of one percent of the volume of skim milk in fluid milk products disposed of in fluid form.

A similar provision was contained in the original order. It was deleted in September 1957 following a hearing at which no testimony was presented in favor of its retention. Since that time handlers have found that the two percent shrinkage allowance has been inadequate to cover both the normal loss incurred in plant operations and the volume of route returns which cannot be reused for human consumption.

Route returns which cannot be reused for human consumption have some salvage value when sold to farmers for livestock feed. Handlers urged that such disposition be classified as Class II milk so that they would be in a position to recover at least something on such products. Approximately one-half of one percent of the fluid milk products processed fall in this category. Accordingly, it is concluded that route returns up to one-half of one percent of the fluid products processed may be classified as Class II when disposed of for animal feed if certain conditions are met.

This classification, however, should be restricted to the skim milk contained in such products. The butterfat in most products can be salvaged for reuse in butter, or possibly in ice cream, even though the serum portion of the product cannot be reused for conversion.

To prevent abuse of this classification privilege the handler should be required to keep detailed records of the amount of product to be so disposed of, to notify the market administrator prior to such disposition so that he can physically verify the volume, and to furnish a receipt signed by the purchaser of such products setting forth the details of the transaction. Unless all of the foregoing conditions are complied with, the product so disposed of should be classified as Class I.

3. The handler definition should be modified to include a cooperative association with respect to bulk tank milk which it delivers directly from the farms of its members to the pool plant of another handler, if it desires to assume the obligations placed on handlers by the order of accounting to the pool and making payments to producers with respect to such milk.

Under the present order a cooperative association is a handler with respect to producer milk which it diverts directly from its producer members' farms to the pool plant of another handler for any period of less than a month. Making a cooperative association a handler with respect to the bulk tank milk of its producer members which it delivers directly from their farms to pool plants of other handlers would eliminate many of the administrative problems which are being created by the rapid conversion of dairymen to bulk tanks and would assist the cooperative association in more effectively balancing the supply of milk to the needs of handlers in the market.

The transportation of milk from farm to market in bulk tank trucks operated by a cooperative has created a problem relative to the determination of responsibility to the individual producers. When milk comes to the market in cans, the milk of the individual producers is dumped, weighed and a sample taken for butterfat testing by an employee of the plant where the milk is utilized. The operator of the plant has the responsibility for paying either the individual producer, or the cooperative where authorized, for the pounds of milk received at the determined butterfat test.

In the bulk tank assembly of milk, the weights and samples of milk for butterfat testing are taken at the farms and milk of various farmers is commingled at the farms. When these tank trucks are owned and/or operated under the control of a cooperative association, the weight readings and milk samples for the butterfat testing are taken by persons responsible to the association. Thus, the handler to whom such milk is delivered has no way of knowing the weights and butterfat tests of milk of individual producers whose deliveries made up the load, except as such information is reported to him by the association. In some instances, especially with respect to supplemental loads, the handler may not even know the identity of the producers whose milk he receives.

One of the cooperative associations which furnishes milk in bulk tanks to other handlers in the market urged the adoption of the proposal. The other association which is similarly situated took no position with respect to it.

Up to the present time the problems created by the conversion to bulk tank have not been serious in the North Texas market and the cooperative associations and the handlers have ironed out any differences that have occurred. As the trend continues, however, the problems will become more serious. In view of the market experience to date it is concluded that the proposal should be adopted, but on a permissive basis at the present time. A cooperative association which wishes to become the handler for the milk of its member producers which it causes to be delivered in bulk tanks directly from producers' farms to the pool plants of other handlers will be so considered if it notifies the market administrator in writing to that effect. Otherwise, the handler at whose pool plant the milk is received will continue to be accountable for it under the order and responsible for payments to producers.

One of the factors which led the cooperative association to request handler status with respect to milk in bulk tanks was the problem created by the shrinkage that occurs between the farm and plant when milk is hauled in bulk. Because of limited experience they were unable to establish the amount of shrinkage incurred in bulk tank handling, but indicated the need for establishing some division of the two percent shrinkage permitted between the cooperative association and the handler who processes the milk.

Pending further information based upon actual operations, it is concluded that with respect to milk in bulk tanks delivered to plants of other handlers and for which the cooperative association elects to be the handler, the cooperative association should be entitled to shrinkage up to one-half of one percent and the processing plant to shrinkage up to one and one-half percent. With respect to milk so handled and for which the cooperative association is not the handler, the operator of the plant at which the milk is received would be obligated to account to producers at the reported farm weights. Thus, the cooperative association in such instances would incur no loss and the plant of receipt should be permitted the entire shrinkage on such milk up to a maximum of 2 percent.

With respect to bulk tank milk for which the cooperative association is not the handler, the operator of the pool plant at which the milk is received will continue to pay producers through the cooperative association at the uniform price. For milk for which the cooperative association is the handler, the operator of the pool plant at which it is received will be obligated to pay the

cooperative association the applicable class prices for such milk.

The definition of the term "handler" should not be broadened to include and to extend regulation to those persons who are not engaged in the processing of milk and incur no obligations to the pool under the order but who may supply pool plants with other source milk, in the form of either fluid milk products or products which may be reconstituted into fluid milk products.

In some instances handlers have purchased powdered or condensed milk, to fortify skim milk drinks and possibly for reconstitution, and the purchase has been invoiced to the handler as a nondairy product. Verification of the receipts and utilization of such products is time consuming and vexatious and unduly burdens the auditing procedures of the market administrator. Extending regulation to brokers who are suppliers of handlers undoubtedly would be helpful to the market administrator in verifying receipts and utilization of milk; however, in instances involving doubt as to the accuracy of the accounting for milk on the part of a handler, proper clasification may be assured through intensive investigations on the premises and in audit procedures. While this is a costly process and may increase substantially the amounts expended by the market administrator in auditing and verifying handlers' reports, the prevalence of such practice is not sufficiently great to warrant extending regulation at this time to persons who do not receive or handle milk of producers and who would have no financial obligations under the order even if regulated.

4. The proposal to revise the method of computing skim milk and butterfat used in each class for fortifying milk products by accounting only for the pounds of products actually added should be denied.

In computing the pounds of skim milk and butterfat in each class, the order now provides that if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

Some handlers in the market have manufacturing facilities for making condensed skim milk products for use in their plants or for disposition to other handlers as condensed skim milk. Other handlers purchase nonfat dry milk from other sources. Such solids in condensed form are used in the reconstitution of fluid milk products or in the fortification of skim milk drinks.

These Class I products are fortified by the addition of extra solids to improve their quality and their acceptance by consumers. The health regulations require that such solids be made from Grade A milk, thus, they should be classified as Class I milk the same as all other Class I solids. The value of each pound of nonfat solids utilized in Class I products has a value to the handler the same as every other pound contained therein. Neither the form in which, nor the source from which, such solids are obtained alters their value to the handler for this purpose. Solids contained in producer skim milk are in fluid form and are paid for on the basis of all the water originally associated with such solids. To account for skim milk in powder or condensed form on a comparable basis to that used in accounting for regular skim milk, it is necessary to account for such solids on the basis of the quantity of skim milk necessarily used to produce such solids.

It is concluded that the present method of computing the skim milk and butterfat used in each class should be continued.

5. No change should be made with respect to the transfer provisions in the order relating to cream. The testimony in the record is not clear as to what was sought to be accomplished by the proposal and affords no basis for changing them at the present time.

With respect to the above-recommended changes in the order, conforming changes should be made in §§ 943.42 (b) and 943.46(a)(1) dealing with shrinkage proration and allocation procedure references.

No testimony was presented relative to the other proposals contained in the notice of hearing and, therefore, no consideration has been given to them.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended markting agreement and order amending the order. The following order amending the order regulating the handling of milk in the North Texas marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended.

1. Amend § 943.12 by adding thereto the following as paragraph (d):

(d) A cooperative association with respect to the milk of its member producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association if the cooperative association notifies the market administrator in writing that it wishes to be the handler for such milk. The cooperative association shall be considered the handler for such milk, effective the first day of the month following receipt of such notice, and milk so delivered shall be considered to have been received by such cooperative association at the pool plant to which it is delivered.

2. Amend § 943.44 (c) and (d) to read as follows:

(c) As Class I milk if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located (1) outside the marketing area and (2) outside the counties of Barry, Cedar, Greene, Lawrence, Polk, Newton, and McDonald in the State of Missouri; Erath, Titus, Runnels, Fayette, Cherokee, and Wood in the State of Texas; Carter, Cleveland, Comanche, Grady, Murray, and Muskogee in the State of Oklahoma; and Benton, Franklin, Sebastian, and Scott in the State of Arkansas.

(d) As Class I milk if transferred or diverted in the form of milk or skim milk in bulk to a plant located inside the marketing area or inside any of the counties named in paragraph (c) of this section unless:

(1) The handler claims classification as Class II milk in his report submitted pursuant to § 943.30;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification;

(3) The classification reported by the handler results in an amount of Class I skim milk and butterfat claimed by all handlers transferring or diverting milk

to such plant of not less than the amount of assignable Class I milk remaining after the following computation:

(i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant, subtract the pounds of skim milk and butterfat in packaged fluid milk products received at such plant and the skim milk and butterfat received at such plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for such fluid milk products for such nonpool plant;

(ii) From the remainder, subtract the skim milk and butterfat disposed of in the form of bulk cream by such plant to a second plant if it is established that such cream was disposed of as an ungraded product for manufacturing use with each container so tagged and such shipment(s) is so invoiced;

(4) If the skim milk and butterfat transferred by all handlers to such a nonpool plant and reported as Class I milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class I milk pursuant to subparagraph (3), an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the claimed Class II classification reported by each of such handlers;

3. Amend § 943.41(a)(1) to read as follows:

(1) Disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream (except cultured sour cream), and any mixture (except eggnog and bulk ice cream and frozen dairy product mixes) of cream and milk or skim milk;

4. Renumber § 943.41(b)(5) as § 943.41(b)(6), and delete § 943.41(b)(4) and substitute therefor the following:

(4) Disposed of in the form of fluid milk products for use as animal feed, except that no butterfat shall be so classified, if all the following conditions are met: (i) The market administrator is notified, prior to such disposition, of the time the disposition is to be made so that he or his representative may physically verify the disposition; (ii) records are maintained to show the source, availability and volume of each product composing each lot of the aggregate to be disposed of for animal feed and the total volume of each lot of the aggregate product; (iii) each disposition is documented in duplicate by a separate record showing disposition date, volume disposed of and the name of the person to whom it is disposed and his or his representative's signature, one copy of which is mailed or delivered to the market administrator on or before the second day after the date of such disposition; and (iv) the volume of skim milk classified as Class II pursuant to this paragraph shall not exceed 0.5 percent of the volume of skim milk in fluid milk products disposed of in fluid form;

(5) In shrinkage allocated to: (i) Receipts of other source milk in the form of fluid milk products, (ii) receipts of milk of producers in an amount not to exceed 0.5 percent of the total receipts of skim milk and butterfat physically received from producers' farms by the operator of a pool plant, plus one and one-half percent of the total pounds of skim milk and butterfat in milk of producers received in bulk as milk in fluid form at a pool plant from both producers and other pool plants (including milk received from a cooperative association in its capacity as a handler pursuant to § 943.12(d)) and which are not disposed of in bulk as milk in fluid form to the pool plant of another handler.

5. Delete § 943.42(b) and substitute therefor the following:

(b) Prorate the resulting amounts between (1) the total of the pounds of skim milk and butterfat physically received from producers at a pool plant by the operator of such pool plant, plus the pounds of skim milk and butterfat in milk of producers received in bulk as milk in fluid form from other pool plants (including milk received from a cooperative association in its capacity as a handler pursuant to § 943.12(d)), and (2) the pounds of skim milk and butterfat in other source milk received in the form of fluid milk products.

6. Amend § 943.46(a)(1) by changing the reference therein from "§ 943.41(b)(4)" to "§ 943.41(b)(5)(ii)".

Issued at Washington, D.C., this 16th day of March 1959.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-2346; Filed, Mar. 18, 1959; 8:49 a.m.]

Commodity Stabilization Service

[7 CFR Part 722]

COTTON MARKETING QUOTA REGULATION FOR 1958 AND SUCCEEDING CROPS OF UPLAND COTTON

Notice of Proposed Rule Making

Pursuant to the authority contained in the Agricultural Adjustment Act of 1938, as amended, (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.), the Secretary of Agriculture is preparing to amend the regulations pertaining to marketing quotas for upland cotton of the 1958 and succeeding crops to make various minor language changes and also to implement section 102(a) of the Agricultural Act of 1949, as amended (72 Stat. 988; 7 U.S.C. 1443(a)) which provides for Choice (A) and Choice (B) farm allotments for the 1959 and 1960 crops of upland cotton. It is contemplated that two kinds of marketing cards will be used to identify upland cotton marketed in each of the marketing years 1959–60 and 1960–61. One of such cards will be valid only with respect to Choice (A) cotton production and the other will be valid only with respect to Choice (B) cotton production. Also, marketing certificates will be used under certain conditions for the identification of Choice (A) and Choice (B) cotton.

Prior to the issuance of such amendment, consideration will be given to any data and recommendations pertaining thereto which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D.C., within 15 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

Done at Washington, D.C., this 13th day of March 1959. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59-2359; Filed, Mar. 18, 1959; 8:50 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Notice of Hearing on Definition of Small Business for Boat Building and Repairing Industry

Notice is hereby given that the Administrator of the Small Business Administration proposes to hold a hearing on the definition of small business for the boat building and repairing industry (set forth below) as contained in the Small Business Size Standards Regulation, as amended (23 F.R. 10514, 24 F.R. 1246).

The hearing will take place April 16, 1959 at 10:00 a.m., e.s.t., in Room 442, 811 Vermont Avenue NW., Washington 25, D.C.

Interested persons may file with the Administrator on or before April 14, 1959, written statements of facts, opinions or arguments concerning the definition herein. Those persons who wish to make oral statements should notify the Administrator in writing setting forth the name and title (if any) of the person who will appear and whom they represent.

All correspondence on this matter shall be addressed to:

Wendell B. Barnes, Administrator, Small Business Administration, Washington 25, D.C.

The present definition of small business for the boat building and repairing industry for the purpose of Government procurement is a concern that (1) is independently owned and operated, (2) is not dominant in its field of operation, and (3) with its affiliates employs fewer than 500 employees.

It is proposed to change the definition of small business for the boat building and repairing industry as follows:

§ 121.3–3 Determination of small business for Government procurement.

* * * * *

(g) *Boat building and repairing industry.* A small business concern in the boat building and repairing industry for the purpose of Government procurement is a concern that (1) is independently owned and operated, (2) is not dominant in its field of operation, and (3) together with its affiliates employs not more than 250 persons.

Dated: March 6, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-2343; Filed, Mar. 18, 1959; 8:48 a.m.]

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Notice of Hearing on Definition of Small Business for Aircraft Equipment and Parts Industry

Notice is hereby given that the Administrator of the Small Business Administration proposes to hold a hearing on the definition of small business for the aircraft equipment and parts industry (set forth below) as contained in the Small Business Size Standards Regulation, as amended (23 F.R. 10514, 24 F.R. 1246).

The hearing will take place April 23, 1959 at 10:00 a.m., e.s.t., in Room 442, 811 Vermont Avenue NW., Washington 25, D.C.

Interested persons may file with the Administrator on or before April 21, 1959, written statements of facts, opinions or arguments concerning the definition herein. Those persons who wish to make oral statements should notify the Administrator in writing setting forth the name and title (if any) of the person who will appear and whom they represent.

All correspondence on this matter shall be addressed to:

Wendell B. Barnes, Administrator, Small Business Administration, Washington 25, D.C.

The present definition of small business for the aircraft equipment and parts industry for the purpose of Government procurement is a concern that (1) is independently owned and operated, (2) is not dominant in its field of operation, and (3) with its affiliates employs fewer than 500 employees.

It is proposed to change the definition of small business for the aircraft equipment and parts industry as follows:

§ 121.3-3 Determination of small business for Government procurement.

* * * * *

(h) *Aircraft equipment and parts industry.* A small business concern in the aircraft equipment and parts industry for the purpose of Government procurement is a concern that (1) is independently owned and operated, (2) is not dominant in its field of operation, and (3) together with its affiliates employs not more than 1,000 persons.

Dated: March 6, 1959.

WENDELL B. BARNES,
Administrator.

[F.R. Doc. 59-2344; Filed, Mar. 18, 1959; 8:48 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document 207; Classification 66]

ARIZONA

Small Tract Classification

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), I hereby classify the following described public lands, totalling 1,120 acres in Maricopa County, Arizona, as suitable for direct sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a) as amended:

GILA AND SALT RIVER MERIDIAN

T. 2 S., R. 2 W.,
Sec. 28: All;
Sec. 33: N½, SW¼.

Containing 1,120 acres, of which 590 acres are covered by 118 applications from persons entitled to preference under 43 CFR 257.5(a).

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U.S.C. 279-284), as amended.

4. All valid applications filed prior to July 10, 1957, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5(a).

Dated: March 10, 1959.

MARTIN W. BUZAN,
Acting State Supervisor.

[F.R. Doc. 59-2336; Filed, Mar. 18, 1959; 8:47 a.m.]

[Document 206]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The U.S. Army, Corps of Engineers, has filed an application, Serial No. Arizona 010137, for the Withdrawal of lands as described below from all forms of appropriation including the mining and mineral leasing laws.

The applicant desires the land for military purposes, to effect an extension of the Vincent Air Force Base runway.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Post Office Box 148, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 9 S., R. 23 W.
Sec. 16: SE¼SE¼NE¼.

Total area: 10:00 acres.

Dated: March 10, 1959.

MARTIN W. BUZAN,
Acting State Supervisor.

[F.R. Doc. 59-2337; Filed, Mar. 18, 1959; 8:47 a.m.]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 12, 1959.

The United States Department of the Army has filed an application, Serial Number NM-059199 for the withdrawal of the lands described below, from all forms of appropriation including the general mining and the mineral leasing laws. The applicant desires the land for the purpose of constructing housing facilities.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1251, Santa Fe, New Mexico.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice

will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

A tract of land situated in S½SE¼NE¼ and the N½NE¼SE¼ of Section 31, Township 23 South, Range 1 West of the New Mexico Principal Meridian, Dona Ana County, New Mexico, being more particularly described as follows:

Commencing at the quarter (¼) corner common to Sections 31 and 32, Township 23 South, Range 1 West, N.M.P.M., thence N. 62°23'56" W., a distance of 1,340.43 feet to a point on the existing south right-of-way line of U.S. Highway No. 70 and 80; thence S. 0°03'28" E., along the east right-of-way line of an existing access road, a distance of 585.84 feet to the northwest corner and the point of beginning of this survey; thence, at right angles to the last described course, N. 89°53'32" E., a distance of 608.00 feet to the northeast corner of this survey; thence S. 0°03'28" E., a distance of 645.00 feet to the southeast corner of this survey; thence S. 89°53'32" W., a distance of 608.00 feet to the southwest corner of this survey; thence N. 0°03'28" W., along the east right-of-way line of above-mentioned access road, a distance of 645.00 feet to the point of beginning of this survey,

Containing an area of 9.00 acres, more or less.

E. R. SMITH,
State Supervisor.

[F.R. Doc. 59-2338; Filed, Mar. 18, 1959; 8:47 a.m.]

[Document 208]

ARIZONA

Order Providing for Opening of Public Lands

1. In an exchange of lands made under the provisions of Section 8 of the Act of June 28, 1934 (48 Stat. 1269); as amended June 26, 1936 (49 Stat. 1976, 43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 6 N., R. 13 W.,
Sec. 36: SW¼.

The above tract aggregates 160 acres, more or less.

2. The conveyance to the United States did not include the minerals which are reserved to the State of Arizona. The lands involved are located in northeastern Yuma County, Arizona, within the McMullen Valley. The topography varies from flat to undulating. The soils are mainly sandy loam, interspersed with gravel with vegetative cover of southern desert shrub type typical of the grazing lands in the area.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable laws, the lands described herein are hereby opened to filing of applications and selections in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims, subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II and/or the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U.S.C. 279 through 284, as amended) presented prior to 10:00 a.m. on April 17, 1959, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a.m. on July 17, 1959, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a.m. on July 17, 1959, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veteran's preference rights under paragraph a(2) above, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements of support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, U.S. Land Office, Bureau of Land Management, P.O. Box 143, Phoenix, Arizona.

Dated: March 11, 1959.

MARTIN W. BUZAN,
Acting State Supervisor.

[F.R. Doc. 59-2339; Filed, Mar. 18, 1959; 8:47 a.m.]

[Montana 023908]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 11, 1959.

The U.S. Forest Service, Department of Agriculture, has filed an application, Serial Number M-023908, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws. The applicant desires the land for administrative use as a saddle horse pasture for the Madison and Ennis Districts, Beaverhead National Forest. Public recreational use will be permitted on the area in Section 20, Township 6 South, Range 1 West, M.P.M., between the county road and the Madison River. A Bureau of Reclamation withdrawal is pending for this tract, and the Forest Service use will be subject to any use proposed by the Bureau of Reclamation.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN

T. 5 S., R. 1 W.,
Sec. 30, Lots 1, 2, 3, 4, E½W½.
T. 5 S., R. 2 W.,
Sec. 25, All;
Sec. 26, NE¼, N½SE¼.
T. 6 S., R. 1 W.,
Sec. 20, N½NW¼.

The above described areas total 1,307 acres.

R. D. NIELSON,
State Supervisor.

[F.R. Doc. 59-2340; Filed, Mar. 18, 1959; 8:47 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation Of Lands

The Bureau of Public Roads has filed an application, Serial Number A.047160 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining, but excepting the mineral leasing laws and the disposition of materials under the Materials Act. The applicant desires the land for a permanent depot site.

For a period of 60 days from the date of publication of this notice, all persons who wish to submit comments, sugges-

tions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage Operations Office, 334 East Fifth Avenue, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

EUREKA AREA

Beginning at corner No. 1 located at latitude 61°56'18" N., longitude 147°12'12" W. at Glenn Highway Station 1748+50, approximately Mile Post 135.2, which is 227 feet easterly along the centerline of the highway from Swamp Creek culvert; thence S. 1° E., 550 feet to corner No. 2; thence N. 89° E., 1,000 feet to corner No. 3; thence N. 1° W., 550 feet to corner No. 4 on the highway centerline; thence S. 89° W. along the highway centerline for 1,000 feet to corner No. 1 and point of beginning.

Containing approximately 12.63 acres more or less.

ARCHIE D. CRAFT,
Acting Operations Supervisor,
Anchorage.

[F.R. Doc. 59-2355; Filed, Mar. 18, 1959; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

U.S. PACIFIC COAST/MIDDLE EAST (BURMA, CEYLON, INDIA, PAKISTAN, PERSIAN GULF AND GULF OF ADEN)

Notice of Adoption of Conclusions and Determinations Regarding Essentiality and United States Flag Service Requirements of Trade Route 28

Notice is hereby given that the Maritime Administrator has adopted as final his tentative conclusions and determinations regarding the essentiality and United States flag service requirements of Trade Route No. 28 as published in the FEDERAL REGISTER issue of January 27, 1959 (24 F.R. 587).

Dated: March 16, 1959.

By order of the Maritime Administrator.

[SEAL] JAMES L. PIMPER,
Secretary.

[F.R. Doc. 59-2356; Filed, Mar. 18, 1959; 8:50 a.m.]

Office of the Secretary

AL SERAFIN MINETTI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER:

A. Deletions: None.
B. Additions: Harron Rickard & McCone Co. of San Francisco, Calif.

This statement is made as of March 1, 1959.

AL SERAFIN MINETTI.

MARCH 1, 1959.

[F.R. Doc. 59-2352; Filed, Mar. 18, 1959; 8:49 a.m.]

RICHARD V. FORD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months:

A. Deletions:
Atlantic City Electric Company.
American Water Works Corporation.
Scudder-Stevens & Clark Common Stock Fund.
B. Additions: None.

This statement is made as of February 24, 1959.

RICHARD V. FORD.

FEBRUARY 24, 1959.

[F.R. Doc. 59-2353; Filed, Mar. 18, 1959; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-14705, 14764]

DEEP SOUTH OIL COMPANY OF TEXAS

Order Postponing Oral Argument

MARCH 13, 1959.

The Commission, by order issued February 25, 1959, set March 20, 1959, as the date for oral argument on exceptions to the examiner's decision in the above-captioned proceedings.

On March 10, 1959, Deep South Oil Company of Texas filed with the Commission a motion to postpone the argument and alleged concurrence of the other parties, Texas Gas Corporation and Texas Eastern Transmission Corporation.

The Commission finds: Good cause exists and it is appropriate in the public interest to postpone the oral argument in the above-entitled proceedings.

The Commission orders: (A) The oral argument on exceptions to the examiner's decision in the above-entitled proceedings is hereby postponed to May 1, 1959, at 10:00 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-2350; Filed, Mar. 18, 1959; 8:49 a.m.]

[Docket Nos. G-16484, G-16649]

SUNRAY MID-CONTINENT OIL CO.

Order for Hearing and Suspending Proposed Changes in Rates [1]

MARCH 13, 1959.

Sunray Mid-Continent Oil Company (Sunray) on February 13, 1959, tendered for filing proposed changes in its presently filed rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: 4 Notices of change, undated.
Purchaser: (1) United Fuel Gas Company. (2) Texas Eastern Transmission Corporation.
Rate schedule designation: (1) Supplement No. 6 to Sunray's FPC Gas Rate Schedule No. 132.[2] (2) Supplement No. 9 to Sunray's FPC Gas Rate Schedule No. 122.[3] (3) Supplement No. 6 to Sunray's FPC Gas Rate Schedule No. 126.[4] (4) Supplement No. 7 to Sunray's FPC Gas Rate Schedule No. 127.[4]
Effective date: March 15, 1959 (stated effective date is the first day following expiration of statutory notice).

Sunray in submitting these supplements purportedly proposes to change rates now under suspension in Docket Nos. G-16484 and G-16649 so as to reflect the effect of the Louisiana tax statutes and so as to be consistent with the tax provisions set out in the respective rate schedules. The aforementioned suspended rates are set out in supplements to Sunray's FPC Gas Rate Schedule Nos. 122, 126, 127 and 132, which were suspended and their use deferred until April 1, 1959, and thereafter until such further time as each is made effective in the manner prescribed by the Natural Gas Act.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that Supplements Nos. 9, 6, 7, and 6 to Sunray's FPC Gas Rate Schedule Nos. 122, 126, 127 and 132, respectively, be suspended and the use of each deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

[2] Subject to further orders of the Commission in Docket Nos. G-13741 and G-15722.

[3] Subject to further orders of the Commission in Docket Nos. G-11777, G-13422 and G-15593.

[4] Subject to further orders of the Commission in Docket Nos. G-13422 and G-15722.

contained in Supplements Nos. 9, 6, 7 and 6 to Sunray's FPC Gas Rate Schedule Nos. 122, 126, 127 and 132, respectively.

(B) Pending such hearing and decision thereon, said supplements be and they are each hereby suspended and the use thereof deferred until April 1, 1959, and until such further time as the supplements previously suspended in Docket Nos. G–16484 and G–16649 are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 59–2351; Filed, Mar. 18, 1959; 8:49 a.m.]

[Project No. 2183]

GRAND RIVER DAM AUTHORITY

Order Fixing Date of Hearing; Consolidating Proceedings; and Granting Intervention

MARCH 12, 1959.

Grand River Dam Authority (Authority), licensee for Project No. 2183, known as the Markham Ferry Project, filed applications on November 21, 1957, and on August 20, 1958, respectively, for amendment of the outstanding Commission license for the project.

The application for amendment filed November 21, 1957 seeks to provide for an initial and ultimate installation of four 35,000-horsepower generating units in the project powerhouse in lieu of an initial installation of three 20,000-horsepower units and an ultimate installation of five 20,000-horsepower units, for equipment changes in the step-up substation at the Markham Ferry dam, and for inclusion in the license of two 138-kilovolt transmission lines extending from the step-up substation to the proposed Catoosa substation of Public Service Company of Oklahoma. The application for amendment filed August 20, 1958 seeks to raise the top of the power pool at the Markham Ferry dam from elevation 617 feet to elevation 619 feet above mean sea level and the top of the flood control pool from elevation 634 feet to elevation 636 feet above mean sea level.

A petition for leave to intervene in the proceeding involving the application for amendment filed November 21, 1957, was filed by Eastern Oklahoma Flood Control Association on January 27, 1958, and by KAMO Electric Cooperative, Northeast Oklahoma Electric Cooperative, Oklahoma Statewide Electric Cooperative, Lake Region Electric Cooperative, East Central Oklahoma Electric Cooperative, Cookson Hills Electric Cooperative, Verdigris Valley Electric Cooperative, Indian Electric Cooperative, and Central Rural Electric Cooperative on January 28, 1958.

The Commission finds:

(1) It is necessary and appropriate for the purposes of the Federal Power Act that the matters raised by Authority's applications for amendment of the outstanding Commission license for Project No. 2183 currently pending before the Commission be consolidated and set for hearing.

(2) The participation of the aforenamed petitioners for leave to intervene in the proceedings involving Authority's pending applications for amendment of the license for Project No. 2183 may be in the public interest and they should be granted permission to intervene and participate therein as hereinafter provided.

Wherefore, the Commission, pursuant to the authority contained in the Federal Power Act, particularly sections 4, 307, 308, and 309, orders:

(A) The matters raised by Authority's pending applications for amendment of the outstanding Commission license for Project No. 2183 are hereby set for hearing commencing April 28, 1959, at 10:00 a.m., e.d.s.t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

(B) The proceedings involving Authority's pending applications for amendment of the license for Project No. 2183 are hereby consolidated for hearing purposes.

(C) One of the questions to be considered in this proceeding, in connection with the issue herein on the economic feasibility of the proposed enlarged project, is the acceptability for filing, pursuant to section 205 of the act, and Part 35 of the regulations thereunder, of any proposed rate schedule which may be submitted embodying the Coordinating Agreement between Public Service Company of Oklahoma and the Authority, when any such proposed rate schedule would apparently constitute a change in the then effective rate schedule and would not, by its own terms, be operative unless and until the license for the Markham Ferry Project is further amended and the construction thereunder is completed and the project commences operation.

(D) The aforenamed petitioners for leave to intervene are hereby permitted to become interveners in the proceedings docketed as Project No. 2183: *Provided, however,* That with respect to each of those petitioners, its participation shall be limited to matters affecting its asserted rights and interests specifically set forth in its respective petition for leave to intervene: *And provided, further,* That with respect to each of those petitioners, the admission of such petitioner shall not be construed as recognition by the Commission that such petitioner might be aggrieved because of any order or orders issued by the Commission in the above matter, Project No. 2183.

(E) Interested State commissions may participate in these proceedings as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 59–2327; Filed, Mar. 18, 1959; 8:45 a.m.]

[Project Nos. 2144, 2250]

CITY OF SEATTLE, WASHINGTON AND PUBLIC UTILITY DISTRICT NO. 1 OF PEND OREILLE COUNTY, WASHINGTON

Order Referring Motions To Dismiss to Presiding Examiner and Fixing Date for Resumpton of Hearing

MARCH 13, 1959.

During the first phase of the consolidated hearing in these proceedings each of the applicants made motions on the record for dismissal of the other applicant's application for a license. As a consequence, the mining and mineral Interveners moved that the hearing after recess not be reconvened until a date not less than 90 days from the date of final disposition of the respective motions to dismiss.

Pursuant to requests made on the record, the Presiding Examiner certified the record and the motions to the Commission for appropriate action and recessed the hearing on March 2, 1959, subject to further order of the Commission.

The Commission finds: The hearing in these proceedings has not been completed. The Commission deems it necessary to the proper exercise of the Commission's functions in these cases, that the Presiding Examiner who has heard the evidence and has had opportunity to evaluate fully the testimony of the witnesses render his initial decision on all issues of fact and law which the record presents, prior to the Commission's undertaking to pass on these matters. The public interest will best be served if the administrative process is pursued to completion within the bounds contemplated by the statutes and our rules and regulations.

Accordingly, the record herein should be returned to the Presiding Examiner and the hearing in these proceedings should be resumed at the time and place hereinafter fixed. The aforementioned motions should likewise be referred to the Presiding Examiner, to be ruled upon as a part of his initial decision submitted after the conclusion of the hearing.

The Commission orders:

(A) The motions to dismiss hereinabove described be and the same hereby are referred to the Presiding Examiner to be ruled upon as a part of his initial decision submitted after the conclusion of the hearing and completion of the record in these proceedings.

(B) The hearing herein is hereby fixed to resume at 10 a.m., e.d.s.t., June 9, 1959 in a hearing room of the Federal

Power Commission, 441 G Street NW., Washington, D.C.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 59-2328; Filed, Mar. 18, 1959; 8:45 a.m.]

[Docket No. G-17994]

SINCLAIR OIL & GAS CO.

Order for Hearing and Suspending Proposed Change in Rate

MARCH 13, 1959.

Sinclair Oil & Gas Company (Sinclair) on February 13, 1959, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated February 10, 1959.

Purchaser: Texas Illinois Natural Gas Pipeline Co.

Rate schedule designation: Supplement No. 4 to Sinclair's FPC Gas Rate Schedule No. 18.

Effective date: March 24, 1959 (stated effective date is that proposed by Sinclair).

In support of the proposed redetermined rate increase Sinclair cites the contract provisions, submits copies of the rate redetermination letter and states that the proposed rate will not result in an excessive rate of return, but will assist seller in obtaining a just and reasonable rate commensurate with the risks inherent in the exploration, development and production of natural gas.

The increased rate and charge so proposed has not been shown to be just, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 4 to Sinclair's FPC Gas Rate Schedule No. 18 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 4 to Sinclair's FPC Gas Rate Schedule No. 18.

(B) Pending the hearing and decision thereon, the supplement is suspended and the use thereof deferred until August 24, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 59-2329; Filed, Mar. 18, 1959; 8:45 a.m.]

[Docket No. G-18032]

TEXACO SEABOARD INC.

Order for Hearing and Suspending Proposed Change in Rate

MARCH 13, 1959.

Texaco Seaboard Inc. (Texaco), on February 13, 1959, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 12 to Texaco's FPC Gas Rate Schedule No. 10.

Effective date: March 16, 1959 (stated effective date is the first day after expiration of statutory notice).

In support of the proposed redetermined increase, in addition to citing the contract provisions and submitting copies of the purchaser's letter, Texaco states that the contract was negotiated at arm's length and that the increase will partially compensate Texaco for increased costs of development, operation and maintenance. Texaco also cites higher prices for initial services in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 12 to Texaco's FPC Gas Rate Schedule No. 10 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 12 to Texaco's FPC Gas Rate Schedule No. 10.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until August 16, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 59-2330; Filed, Mar. 18, 1959; 8:45 a.m.]

[Docket No. G-17992]

HERMAN BROWN

Order for Hearing, Suspending Proposed Change in Rate, and Allowing Changed Rate To Become Effective

MARCH 13, 1959.

Herman Brown (Brown), on February 11, 1959, tendered for filing a proposed change in his presently effective rate schedule [1] for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.

Purchaser: Arkansas Louisiana Gas Company.

Rate schedule designation: Supplement No. 9 to Brown's FPC Gas Rate Schedule No. 2.

Effective date: March 14, 1959 (stated effective date is the first day after expiration of the required thirty days' notice).

The proposed increased rate contains a Louisiana severance tax reimbursement which appears to be questionable. The Respondent has interpreted the tax provisions of the rate schedule to the effect that the tax reimbursement for the increase in the Louisiana severance tax will be at the same reimbursement level that Respondent received for the Louisiana gathering tax.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Therefore, the justness and reasonableness of the proposed increased rate containing the question-

[1] Present effective rate is subject to refund in Docket No. G-17690, and subject to order in Docket No. G-15971.

able Louisiana tax reimbursement should be determined after hearing.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 9 to Brown's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the proposed rate be made effective as hereinafter provided and that Brown be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Brown's FPC Gas Rate Schedule No. 2.

(B) Pending the hearing and decision thereon, the supplement hereby is suspended and the use thereof deferred until March 15, 1959, and thereafter until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge, and classification set forth in the supplement shall be effective on March 15, 1959: *Provided, however,* That within 20 days from the date of this order, Brown shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Brown shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rate found by the Commission in this proceeding not justified, together with interest thereon at the rate of six percent per annum from the date of payment to Brown until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the changed rate and charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy) in writing and under oath to the Commission monthly (or quarterly if Brown so elects) for each billing period and for each purchaser the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed both under the rate in effect immediately prior to the date upon which the changed rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As provided in paragraph (C), within 20 days from the date of issuance of this order, Brown shall execute and file in triplicate with the Secretary of this Commission the written agreement and undertaking to comply with the terms of paragraph (D) hereof, as follows:

Agreement and Undertaking of Herman Brown To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Change

In conformity with the requirements of the order issued (date), in Docket No. G-17992, Herman Brown hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and for that purpose has caused this agreement and undertaking to be executed, this (date).

Witness:

Unless Brown is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Brown shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission (Commissioners Kline and Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 59-2331; Filed, Mar. 18, 1959; 8:45 a.m.]

[Docket No. E-6867]

PUGET SOUND POWER & LIGHT CO.

Notice of Application

MARCH 13, 1959.

Take notice that on March 9, 1959, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Puget Sound Power & Light Company ("Applicant"), a corporation organized under the laws of the State of Massachusetts and doing business in the State of Washington, with its principal business office at Seattle, Washington, seeking an order authorizing the issuance of 100,000 shares of $100 par value Preferred Stock. Applicant proposes to issue the Preferred Stock about April 15, 1959. The Preferred Stock will have a dividend rate of 5½ percent payable quarterly and will have the benefit of a sinking fund into which annual payments of $200,000 each, being equal to 2 percent of the Preferred Stock's par value, will be made beginning in 1963, the cash from which will be used to redeem said stock at par value thereof. Applicant proposes to sell the Preferred Stock privately to twenty-two purchasers through Blythe & Co., underwriters. With respect to the issuance and sale of the Preferred Stock, Applicant requests an exemption from § 34.1a of the Commission's regulations under the Federal Power Act, requiring competitive bidding. The proceeds from the issuance and sale of said Preferred Stock, to the extent they are sufficient, will be used by Applicant to prepay a promissory note to eighteen banks signatory to a September 8, 1958 Credit Agreement.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 2d day of April 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 59-2332; Filed, Mar. 18, 1959; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 363]

HEADS OF EXECUTIVE AGENCIES

Authority To Use Title III of the Federal Property and Administrative Services Act of 1949

Correction

In Federal Register Document 59-2302, appearing at page 1921 of the issue for Tuesday, March 17, 1959, paragraph 6 should read as follows:

6. This delegation shall become effective as of the date hereof.

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

LARGE STEAM TURBINE-GENERATORS

Investigation of Imports

Notice is hereby given, in accordance with the provisions of section 8 of the Trade Agreements Extension Act of 1958 and OCDM Regulation No. 4, as amended, that the General Electric Company of Schenectady, New York, and the Westinghouse Electric Corporation of Pittsburgh, Pennsylvania, have requested that an investigation be undertaken to determine whether large steam turbine-generators are being imported in such quantities or under such circumstances as to impair the national security.

Dated: March 3, 1959.

LEO A. HOEGH, *Director, Office of Civil and Defense Mobilization.*

[F.R. Doc. 59-2325; Filed, Mar. 18, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[Files Nos. 54-226, 54-223, 31-622, 54-186, 59-93, 70-1804]

CITIES SERVICE CO. AND ARKANSAS FUEL OIL CORP.

Order Modifying Notice for Hearing and Denying Motion To Strike Plan

MARCH 11, 1959.

Cities Service Company ("Cities"), a registered holding company under the Public Utility Holding Company Act of 1935 ("Act"), having on February 19, 1959 filed a plan under Section 11(e) of the Act for the purpose of complying with the Commission's order of September 20, 1957 which, pursuant to section 11(b)(2) of the Act, directed Cities and its subsidiary, Arkansas Fuel Oil Corporation ("Fuel Oil"), to effect the elimination of the 48.49 percent public minority stock interest in Fuel Oil or the disposition by Cities of its 51.51 percent stock interest in Fuel Oil (Holding Company Act Release No. 13549); said plan providing for the exchange of shares of Cities' presently authorized common stock for shares of common stock of Fuel Oil owned by the public minority stockholders in Fuel Oil, on the basis of one share of common stock of Cities for 2.4 shares of common stock of Fuel Oil;

Cities having on February 19, 1959, filed a letter stating that Cities was withdrawing a plan dated September 17, 1958, previously filed by it, which provided for a division of the assets of Fuel Oil among Fuel Oil's stockholders and as to which hearings had commenced pursuant to the Commission's Notice for Hearing dated October 6, 1958 (Holding Company Act Release No. 13840), and further stating that Cities was withdrawing all testimony and exhibits introduced at such hearings;

The Fuel Oil Public Common Stock Committee having, on March 2, 1959, moved (1) for an order striking Cities' exchange-of-stock plan and directing immediate resumption of the hearings on Cities' division-of-assets plan, and (2) that, on the record made at such hearings, the Commission pursuant to Section 11(d) of the Act itself propose and approve a plan or approve any plan that may be proposed by any interested person, upon the grounds that Cities does not have the power to withdraw its original plan, and that the exchange-of-stock plan is substantially less favorable to the minority stockholders of Fuel Oil, is unfair and inequitable, and would only delay the proceedings, and having requested oral argument on the motion;

Cities, M. L. Benedum, a Fuel Oil stockholder, and the Common Stockholders Committee of Cities having each filed a memorandum in opposition to the aforesaid motion;

The Commission being of the opinion that Cities was entitled to withdraw its previous plan and substitute its present plan but that the evidence heretofore presented with respect to the previous plan would remain part of the record and the record in the proceedings on the new plan would be consolidated therewith; that the issues set forth in the Notice for Hearing with respect to the previous plan would be equally applicable to and would not be affected or narrowed by the substitution of the exchange-of-stock plan for the division-of-assets plan except insofar as such issues specifically relate to the earlier plan as filed by Cities; that it is appropriate to modify the Notice for Hearing so that it shall be applicable to Cities' new plan, the effect of such modification being that the proceedings would embrace the issues whether Cities' new plan complies with section 11(b)(2) of the Act and is fair and equitable and whether in the event the Commission shall not approve Cities' new plan as filed or modified it shall take appropriate action pursuant to section 11(d) of the Act; and that oral argument on the motion would not serve any useful purpose;

It is ordered, That the motion of Arkansas Fuel Oil Public Common Stock Committee be, and it hereby is, denied.

It is further ordered, That the Notice for Hearing dated October 6, 1958, be, and it hereby is, modified to the extent necessary to make the issues therein applicable to the plan filed by Cities Service Company on February 19, 1959, that the proceedings on such plan be, and it hereby is, consolidated with those held on the plan dated September 17, 1958, and that the hearings be convened pursuant to such Notice for Hearing, as modified, on March 31, 1959, at 10:00 a.m. Any person not heretofore granted leave to participate who desires to be granted such leave shall file with the Secretary of the Commission on or before March 30, 1959, a request therefor in the manner provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Cities Service Company shall give notice of the filing of its plan on February 19, 1959, and of the reconvening of the hearings by causing to be mailed, at its expense, a copy of this order at least 10 days prior to the date set for the reconvening of such hearings to each of the public stockholders of Arkansas Fuel Oil Corporation.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-2341; Filed, Mar. 18, 1959; 8:48 a.m.]

[File No. 812-1182]

EQUITY CORP. ET AL.

Notice of Filing of Application for Order Exempting Transactions Between Affiliates Relating to Insurance

MARCH 12, 1959.

In the matter of The Equity Corporation and its affiliates; file No. 812-1182.

Notice is hereby given that The Equity Corporation ("Equity"), a registered closed-end non-diversified investment company, on behalf of itself and all corporations affiliated with it at present or which may become affiliated with it in the future (collectively referred to as "the Equity Group"), has filed an application pursuant to section 6(c) and 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission (A) exempting from the provisions of section 17(a) of the Act the direct writing and performance of contracts of insurance between any present or future member of the Equity Group which is an insurance company and any other present or future member of the Equity Group, or any individual who is an affiliated person of any such member, and (B) exempting from the provisions of section 17(e)(1) of the Act the receipt of commissions earned and to be earned by any insurance agency or insurance brokerage firm which may now or in the future be a member of the Equity Group, and their respective agents and employees, in connection with the sale of casualty, fire and allied lines and inland marine insurance policies written by insurance companies which are members of the Equity Group, and by insurance companies (whether or not members of the Equity Group) covering property or other risks of members of the Equity Group. The proposed transactions will be subject to the undertakings by the Applicant set forth hereinafter.

The Commission has from time to time in the past issued various orders ("Prior Orders") granting applications of the Equity Group with respect to the subject matter of the present application.[1] The present application requests the withdrawal of the Prior Orders and the granting in one order of the relief heretofore granted by the Prior Orders, to the extent still applicable, and the relief requested in the present application.

Since the Prior Orders were granted, the fixed commissions payable by custom in the insurance business to insurance agents and brokers have, in some instances, been reduced below the maximum amounts permitted by the Prior Orders. The terms of the present application would fix lower maximum rates of commissions in such instances than those permitted by the Prior Orders and would require rates or terms for all insurance written for or placed with members of the Equity Group by affiliated companies as favorable as could be obtained from comparable non-affiliated insurance companies. The terms of the application would also permit the receipt of commissions by such agencies and brokers as may in the future become members of the Equity Group, in addition to present members, in order to avoid the necessity of repetitious applications and orders. Prior Orders similarly covers present and future members of the Equity Group insofar as the sale of insurance is concerned.

The principal additional relief requested by the application is the permission for insurance agencies and brokers which are members of the Equity Group to receive commissions (whether from

[1] Investment Company Act Release Nos. 1142 (December 18, 1947), 1282 (March 22, 1949), 1494 (July 13, 1950), 1499 (August 3, 1950), 1648 (September 18, 1951), 1609 (April 27, 1951), and 1781 (July 28, 1952).

affiliated or non-affiliated insurance companies) on insurance placed on property or risks of members of the Equity Group. The application states that the statutes of certain states permit the payment of commissions to licensed agents and brokers affiliated with the insured while others do not permit such payments. The application states that the agencies and brokers will confine the proposed receipt of such commissions to states where, in the opinion of counsel, they will not be contrary to law. Applicant points out that it maintains an insurance department at considerable expense which at the present time handles the placement of insurance on the numerous properties of the Equity Group with independent and non-affiliated agents and brokers which receive the commissions on the business so placed. It is stated that the granting of the requested relief so that affiliated agencies and brokers may receive the usual and customary commissions will save applicant considerable expense and will operate to the advantage of its shareholders.

Applicant undertakes that if the application is granted:

(1) No insurance company in the Equity Group will retain at any time a premium volume, in connection with the coverage of property or interests within the Equity Group, in excess of 1 percent of the total volume of premiums in force of such insurance company, after giving effect to reinsurance arrangements;

(2) All members of the Equity Group will use their best efforts and take all usual and customary steps, before placing or writing insurance with or for affiliated companies, to determine the most advantageous contracts offered by comparable non-affiliated companies, and will not in any case wilfully or knowingly place or write insurance with or for affiliated companies at rates or upon terms which are less favorable than can be obtained from comparable non-affiliated insurance companies;

(3) The commissions paid by insurance companies which are members of the Equity Group to affiliated agencies and brokers will not exceed the commissions paid by such insurance companies to non-affiliated agencies and brokers producing a comparable volume of similar business; and

(4) The commissions received by insurance agencies and brokers which are members of the Equity Group in connection with the sale of insurance policies written by insurance companies within the Equity Group, and by insurance companies covering property or other risks of members of the Equity Group, will be at rates not in excess of those set forth in the schedule annexed as Exhibit 1 to the application, which rates shall be within the range of commissions generally paid by custom where no affiliation is present, such commissions to be reduced by the amount of commissions, if any, paid or payable to licensed insurance agents in connection with the particular risks involved. The schedule of commission rates will be revised by amendment to the application in the event that the general levels of commission rates in the insurance field shall in the future change materially from those set forth in the schedule.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company or any company controlled by such registered investment company, any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17(b) grants an exemption from the provisions of section 17(a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act. Section 17(e)(1) of the Act provides, with exceptions not pertinent here, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such person, acting as agent, to accept from any source any compensation for the purchase or sale of any property to or for such registered company or any controlled company thereof. Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any transaction or class of transactions from any provisions of the Act if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Since the various insurance companies, agencies and brokers, and companies insuring their properties and other risks, are affiliated persons by reason of the direct and indirect ownership of their voting securities by Equity, transactions involving the sale and purchase of insurance contracts between such companies appear to constitute the sale and purchase of property subject to the provisions of section 17(a) of the Act, and the receipt of compensation in connection with such transactions appears to be subject to the provisions of section 17(e)(1) of the Act. The application requests an order under sections 6(c) and 17(b) of the Act exempting transactions proposed to be made in accordance with the terms and undertakings set forth in the application. The applicant, in filing this application, does not waive its contention that the Act does not apply to the proposed transactions.

Notice is further given that any interested person may, not later than March 27, 1959 at 5:30 p.m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the application may be granted as provided in Rule O–5 of the rules and regulations promulgated under the Act, upon such terms and conditions as the Commision may impose.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59–2342; Filed, Mar. 18, 1959; 8:48 a.m.]

TARIFF COMMISSION

[Investigation 17]

CERTAIN HOUSEHOLD AUTOMATIC ZIGZAG SEWING MACHINES AND PARTS THEREOF

Notice of Investigation and Order for Hearing

In the matter of complaint of unfair methods of competition and unfair acts in the importation and sale of certain foreign household automatic zigzag sewing machines and parts thereof; Investigation No. 17, section 337, Tariff Act of 1930.

The United States Tariff Commission—having considered a complaint under oath filed with the Commission on January 15, 1959, by The Singer Manufacturing Company of New York, New York, alleging unfair methods of competition and unfair acts in the importation and sale in the United States of foreign household automatic zigzag sewing machines embodying, employing, or containing the inventions of claims of United States Letters Patent No. 2,832,302, in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337; 1337a), and having conducted a preliminary inquiry with respect to the matters alleged in the said complaint in accordance with § 203.3 of the Commission's Rules of Practice and Procedure (19 CFR 203.3)—on the 16th day of March 1959, ordered:

(1) That an investigation pursuant to the said section 337 of the Tariff Act of 1930 in the matter of the foregoing allegations be instituted, and

(2) That a public hearing in connection with the said investigation be held in the Hearing Room of the Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.d.s.t., on the 5th day of May 1959, at which hearing all parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the said alleged unfair methods of competition and unfair acts.

Public notice of the receipt of the aforesaid complaint was issued on January 21, 1959 (24 F.R. 589), and the said complaint has been available for inspection by interested persons continuously since issuance of the notice at the office of the Secretary, located in the Tariff Commission Building, and also in the New York City office of the Commission,

located in Room 437 of the Custom House.

Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission in writing at least five days in advance of the opening date of the hearing.

Issued: March 16, 1959.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 59-2361; Filed, Mar. 18, 1959; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

UNION PACIFIC RAILROAD CO.

[No. 32576]

Petition for Declaratory Order on Undercharges on Frozen Vegetables from Ontario, Oregon, to Nampa, Idaho

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 6th day of March A.D. 1959.

It appearing that by petition dated November 10, 1958, the Union Pacific Railroad Company seeks a declaratory order under section 5(d) of the Administrative Procedure Act to determine a question in active and actual controversy between petitioner and respondent, Ore-Ida Potato Products, Inc., and to remove an existing uncertainty concerning the interpretation of portions of effective tariffs duly filed and published in accordance with the provisions of the Interstate Commerce Act, as amended, on certain shipments of vegetables from Ontario, Oregon, to Nampa, Idaho, and there stored in transit, pending reshipment; and that suit has been filed in the U.S. District Court for the District of Oregon for the collection of undercharges, which suit has been stayed pending consideration by the Commission of such applicable tariffs:

It is ordered, That the said petition be, and it is hereby, docketed with the number and title set forth above.

It is further ordered, That this proceeding be handled under modified procedure; that petitioner and any interested person subsequently permitted to intervene herein comply with Rules 1.45 to 1.54, inclusive, of the Commission's general rules of practice, the filing and service of pleadings to be as follows: (a) Not later than April 17, 1959, opening statement of facts and argument by any party supporting an affirmative answer to the legal question above stated; (b) 30 days thereafter statement of facts and argument by any party supporting a negative answer to the said legal question, or taking a neutral position with respect thereto; and (c) 10 days thereafter reply by party described in (a).

It is further ordered, That any pleadings filed responsive to this order shall be served upon all parties subsequently permitted to intervene herein, and also upon:

Mr. Randall B. Kester, Attorney, Union Pacific Railroad Company, 727 Pittock Block, Portland 5, Oregon.

from whom a copy of the said petition may be obtained.

And it is further ordered, That a copy of this order be filed with the Director, Division of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-2347; Filed, Mar. 18, 1959; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 16, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35299: *Plaster and related articles—Sigurd, Utah, to the Southwest.* Filed by Southwestern Freight Bureau, Agent (No. B-7508), for interested rail carriers. Rates on plaster and related articles and gypsum wallboard and related articles, as described in the application from Sigurd, Utah, to points in Arkansas, Louisiana (west of the Mississippi River), Missouri (southern region), New Mexico, and Oklahoma, and Texas.

Grounds for relief: Short line distance scale.

Tariffs: Supplement 86 to Southwestern Lines tariff I.C.C. 4252.

FSA No. 35300: *Coal—Illinois, Indiana and western Kentucky mines to Winona, Minn.* Filed by Illinois Freight Association, Agent (No. 44), for interested rail carriers. Rates on bituminous fine coal, carloads from mines in Illinois, Indiana, and western Kentucky, described in the application to Winona, Minn.

Grounds for relief: Rail-barge-truck and barge-truck competition.

Tariffs: Supplement 22 to Illinois Freight Association tariff 898 and other schedules listed in the application.

FSA No. 352301: *Coal—Illinois, Indiana, and western Kentucky mines to Corn Belt, Iowa.* Filed by Illinois Freight Association, Agent (No. 45), for interested rail carriers. Rates on bituminous fine coal, carloads from mines in Illinois, Indiana, and western Kentucky to Corn Belt, Iowa.

Grounds for relief: Natural gas competition and market competition with producing points in southwestern and western trunk-line territories.

Tariffs: Supplement 22 to Illinois Freight Association tariff 898 and other schedules listed in the application.

FSA No. 352302: *Coal—River King Mine, Ill., to western points.* Filed by Illinois Freight Association, Agent (No. 48), for interested rail carriers. Rates on bituminous coal, carloads from River King Mine, Ill., to specified destinations in Iowa, Kansas, Minnesota, and Missouri.

Grounds for relief: Market competition with producing points in the Belleville, Ill., group mines to same destinations.

Tariff: Supplement 22 to Illinois Freight Association tariff I.C.C. 898.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-2348; Filed, Mar. 18, 1959; 8:49 a.m.]

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